PROCEEDINGS

OF THE

TRAVANCORE

SRI MULAM ASSEMBLY

Vol. IV

DATA ENTERED

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PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY

FIRST ASSEMBLY.

FOURTH SESSION.

Monday, the 21st January 1935/8th Makaram 1110.

The Assembly met in the Victoria Jubilee Town Hall at Eleven-one of the clock, the President presiding.

VALIDITY OF MEETING.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): On a point of order, Sir. Standing order No. 3 says:—

" The Dewan shall by Notification appoint the date and place for a session of the Assembly.

" The Secretary shall issue a summons to each member for the date and place so appointed."

Sir, according to this provision, a summons was first issued to us that the Assembly was to meet on the 18th of Vrischikam. Later, another summons was issued to us asking us to assemble here on Monday, the 21st of January. And, the Secretary states, in the second summons, that it cancels the earlier one dated the 13th of October 1934.

The point that I raise for your ruling is whether the Secretary has got the power to cancel a summons issued. The Dewan has fixed a date for the Assembly to meet; and it is the duty of the Secretary to issue summons to the members. There is no provision, so far as I can see, enabling the Secretary to cancel summons once issued, not even the Dewan can do it. I request you, Sir, to give a ruling on this so that the Dewan or the Secretary shall not interfere with dates fixed for the meeting of the Legislature, nor with the summons issued to the members about such dates.

Sir, I looked up some rulings in the Assembly and in the Parliament. I find that, in the Parliament, the changing of a date once fixed for a meeting is a very formal ceremony. Such changes have occurred only three or four times in the course of centuries. And, it is done by a Proclamation by the King on the advice of the Privy Council. Sir, it is a very serious matter; and we shall not be asked to go about like this, as occasion arises, in a most informal manner, by a mere post-script by the Secretary that the original summons is cancelled. I request you, Sir, to give a ruling on the matter.

G. P. T. 1338. 350. 17-9-1110.

PRESIDENT: The point of order that has been raised is whether this is a lawful session of the Assembly and whether it has been lawfully called. Section 10 of the Legislative Reforms Regulation is clear that it gives power to the Dewan to "appoint such times and places for holding the sessions of either Chamber of the Legislature as he thinks fit." In exercise of that power, the Dewan has appointed this day for holding this session in this hall, and you have been summoned to attend, by a summons, in the usual way. This session has therefore been rightfully called and we are lawfully met here to-day for the transaction of business. That is all that we are concerned with now.

However, as the summons issued for a previous day was cancelled by me and it is that point that is apparently raised, I am quite prepared to enlighten the House on it. Under Section 10 of the Regulation, the Dewan may appoint such times as he thinks fit for holding a session of either Chamber, and he may also prorogue a session. That is to say, he may bring a session into being *at any time* as also terminate it *at any time*. This power, comprehensive as it is, has been interpreted by me to include what is obviously a smaller power, namely, a power to postpone a date fixed for holding a session and, for that purpose, to cancel a summons issued for a particular day and re-issue it for another day. There is therefore no point in the objection raised and I have no hesitation to declare that this is a lawfully constituted meeting of the Sri Mulam Assembly.

NEW MEMBERS SWORN IN.

The following members took the oath and signed the rolls :—

1 Mr. R. Dhanukoti Pillai
2 Mr. K. George
3 Mr. M. Govinda Pillai
4 Rao Sahib Dr. N. Kunjan Pillai
5 Mr. R. Nilakanta Pillai
6 Mr. Kayalam Paramesvaran Pillai
7 Mr. James Simpson
8 Mr. R. M. Statham
9 G. B. E. Truscott
10 Mr. John Whitely Tolson.

QUESTIONS AND ANSWERS.

Deepening of the Alwaye River.

1. ***MR. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*): Will the Government be pleased to state :

(*a*) whether the scheme, proposed by Mr. John Kuriyan, to deepen the Alwaye river, in his report about rivers, is at present engaging the consideration of the Government; and

(*b*) if so, whether any steps are being taken to make the said river navigable throughout the year?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) ; (*a*) Yes.

(*b*) A portion of the river between the ferry crossing at Alwaye and the railway bridge has been brought under maintenance. The river is ordinarily navigable throughout the year up to the Vallam landing near Perumbavoor and from there to Malayattur for six months in the year, except in floods and dry weather. Beyond Malayattur, it is not intended to render it navigable.

Alwaye District Hospital.

2. ***MR. M. K. JANARDANA KAMATH** (*Commerce and Industry, North*) : Will the Government be pleased to state :

(*a*) the number of in-patients and out-patients treated during each of the years 1108 and 1109 in the District Hospital, Alwaye ;

(*b*) the number of beds available for in-patients in the hospital ;

(*c*) the number of patients (i) women (ii) children that attended the hospital during each of the years 1108 and 1109 ;

(*d*) whether representations have not been made to Government urging the increase in the number of beds in the hospital, the opening of a maternity ward and the appointment of a lady doctor ; and

(*e*) if so, the action taken ?

MR. JAMES SIMPSON (*Darbar Physician*) :

(*a*)

Year.	*In-patient.*	*Daily average.*	*Out-patient.*	*Daily average.*
1108	421	13·34	84,462	256·76
1109	456	17·00	84,770	260·21

(*b*) 36.

(*c*)

Year	*Total number*		*Daily average.*	
	Women.	*Children.*	*Women.*	*Children.*
1108	10,450	12,254	84·34	94·12
1109	10,233	12,864	77·95	96·60

(*d*) Yes.

(*e*) Government enquired into the matter and found that, since not even half the number of beds in the hospital was ordinarily occupied in a day, no increase in the number of beds was necessary and that the opening of a maternity ward and the appointment of a lady doctor in the hospital were also not urgent requirements.

MR. K. R. ELENKATH (*Kalkulam I*) ; May I know from the Government member whether there were times when the number of patients exceeded the number of beds ?

MR. JAMES SIMPSON (*Darbar Physician*) : I have no information.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member when exactly the number of beds did not suffice the requirements of the patients ?

MR. JAMES SIMPSON (*Darbar Physician*) ; I have no information that such situation has ever arisen.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : With reference to the answer to part (*c*) of the question, may I know who attends to maternity cases?

MR. JAMES SIMPSON (*Darbar Paysician*) : The Medical Officer.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I know why Government think that the opening of a maternity ward and the appointment of a lady doctor in the hospital are not urgent requirements?

MR. JAMES SIMPSON (*Darbar Physician*) : Government, as the result of enquiry into the matter, are of this opinion,

Road from Aroor-Shertala road to the Tirumala temple.

3. ***MR. M. K. JANARDANA KAMATH** (*Commerce and Industry North*) : Will the Government be pleased to state :

(*a*) whether they propose to construct a road in the near future leading from the Aroor-Shertala road to the Tirumala temple at Turavoor : and

(*b*) whether they are aware of the great inconveniences and difficulties, especially in the rainy season, caused to the people and to the students attending the High School attached to the temple, for want of a road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) and (*b*) Yes.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : May I know from the member whether any work is going on now?

MR. G. B. E TRUSCOTT (*Chief Engineer*) : Sir, the question is whether Government propose to construct a road, and I do not know whether work is going on now or not.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*) : May I know from the member whether the site necessary for the construction of the road has been handed over?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I believe it has been.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : May I know whether the work will be taken up soon?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : Yes.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Will it be finished soon?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I hope so.

Attingal Municipal Council.

4. ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) whether there was a non-official President for the Attingal Municipality :

(*b*) if the answer to part (*a*) is in the affirmative, in which year the non-official President was replaced by the official President;

(*c*) whether there is a demand for a non-official President for the said Municipality ;

(*d*) whether, at the recent municipal conference at Alleppey, a resolution was passed demanding a non-official President for the Attingal Municipality; and

(*e*) what action the Government have taken upon the said resolution?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) 22-3-1927.

(*c*) Certain resolutions were passed by the Municipal Council asking for a non-official President.

(*d*) Yes.

(*e*) It is under the consideration of Government.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer to part (*a*), may I know from the Government why the system of non-official President was discontinued in that Municipality?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was found that under the non-official President the affairs of the Municipality got into confusion and Government thought that it would be better to have an official President at least for some time.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether a chance was given for the Municipal Council to elect any other non-official President on account of the confusion during the time of the former President?

PRESIDENT: Is not Mr. Nair satisfied with the answer to part (*e*)?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir.

PRESIDENT: Why, then, wash all the past dirty linen?

MR. S. J. NAIR (*Nedumangad*): It is not that, Sir. It is said that on account of the mismanagement or some sort of confusion that prevailed in the Municipality under the non-official President, the system of non-official President was discontinued. My question is whether any chance was given to the Municipal Council to elect another non-official President and to see whether the administration of the Municipality was not better.

PRESIDENT: What I was trying to impress on the member was that the matter of the re-appointment of a non-official President is now under the consideration of the Government.

MR. S. J. NAIR (*Nedumangad*): May I know why that matter was not considered when it was discontinued?

PRESIDENT: You do not bring about a change all at once.

MR. S. J. NAIR (*Nedumangad*): The system was discontinued on 22-3-1927. My question is why a chance was not given at that time to the Municipal Council to elect some other non-official President in order to manage the affairs of the Municipality.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the question of allowing the Municipal Council to elect a non-official President was considered by Government on different occasions since 22-3-1927 and the last occasion when it was considered by Government was about a year ago. The Division Peishkar and the Account Officer were asked to examine the accounts and the affairs of the Municipality and to send up a report. They reported that the affairs of the Municipality were still not in proper form and they thought that at least for one year more the Municipality should continue under an official President. That year will expire by April next, and, as the answer to part (*e*) of the question shows, the matter is now under the consideration of Government. If the affairs of the Municipality have improved, Government may probably allow the Council to elect its own non-official President.

MR. K. R. ELENKATH (*Kalkulam I*): With reference to the answer to part (*a*) of the question, may I know whether the affairs of the Municipality were deteriorating at the time of one particular non-official President or all through the period of non-official Presidents?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They were found to be deteriorating under the non-official President and Government thought it necessary to have an official President.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): It has been answered by the member that last year the report submitted by the Division Peishkar shows that the affairs have not yet resumed proper form. May I know the nature of action taken by Government against the official Presidents who were in charge of the Municipality from 1927 till the date of inspection by the Division Peishkar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The official President did not commit any irregularity. The irregularities left to him as a legacy by the non-official President had to be removed and he has been at it. When the Municipality was inspected a year ago, all the irregularities had not been completely removed and Government hope that in the course of the year, that is, before April 1935, all the irregularities will have been removed; and if it is so, they may then consider the question of allowing the Council to elect a non-official President.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member the nature of the irregularities and confusion which in the opinion of Governmet an official President in preference to a non-official can set right?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): They are mostly connected with account matters.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the Government's view that wherever account matters are concerned non-officials cannot be trusted in preference to officials?

PRESIDENT: I object to that general question about the respective merits of officials and non-officials.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it because the Government thought that they could exercise greater control over an official than over a non-official, they preferred an official President?

PRESIDENT: Under the circumstances of that Municipality. We are again not generalising.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): May I know from the member whether the members of the Attingal Municipal Council were consulted with regard to the appointment of an official President?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think so.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Did Government enquire whether there was any non-official in that locality who would be able to function properly as President before the official President was appointed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The non-official President who functioned was found to be wanting and the affairs of the Municipality became so bad that Government thought that it would be wise to entrust the administration of the Municipality to an official President for some time. Government did not therefore consider it necessary to enquire whether there was any other non-official in the locality to take charge of that Municipality.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): My question is whether Government thought that no non-official President would be able to remove the defects which were found.

PRESIDENT: The view of Government, as has been stated already at the time, was that in the interests of the Municipality they ought to put in an official President.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Were the Government of the view that no non-official could put things in order?

PRESIDENT: I am sorry the question does not arise in-as-much as the Government member tells you that at the time the state of affairs in that Municipality was so hopeless that the only conclusion which the Government could arrive at was that those affairs should be entrusted to the charge of an official and they did so. Therefore, further questions about the search for other men in the locality do not at all arise.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know how many official Presidents functioned since the first was appointed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At first the official President was the Headmaster of the local English High School and subsequently the Tahsildar was appointed as the President. At present the Tahsildar is the official President.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know how many officials have functioned as Presidents?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry, Sir, I have not got the information.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Am I to understand that these official Presidents have not been able to set right matters during the last seven years?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have already answered, Sir, that the confusion was so great that it has not been possible to set right matters till now and that during the last inspection by the Division Peishkar and the Account Officer it was found that probably in the course of another year matters might be alright. It is now under the consideration of Government whether by April 1935 the Municipal Council should not be given the choice of electing a non-official President.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Do Government realise that it is because officers, who have other legitimate work to attend to, are put in charge, that the affairs are not set right?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It may be so; but then, the Municipality cannot afford, I am afraid, to pay a full-time official President. So the only thing under the circumstances was to appoint a local officer to be in charge of the Municipality in addition to his own duties.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member whether there were Government officers as members of the Council while the non-official President was functioning?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, there were.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Did any such Government officer bring to the notice of Government the fact that the condition of the Municipality was deteriorating?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I cannot answer that question off hand. I claim notice.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know further how much of the irregularities now alleged to have been committed by the non-official President was the result of corporate action of the Municipal Council?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know further how much of the so-called irregularities have been investigated as directly traceable to the President's action?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): An investigation into the irregularities was made by the Division Peishkar and the Account Officer and on the reports received from them Government decided the question. What the exact proportion of responsibility of the President and the Municipal Council is, I cannot say.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member whether, as a matter of fact, anything could have been dissociated from the corporate action of the Municipality?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have nothing to add to what I have already stated.

PRESIDENT: The general condition of affairs in the Municipality was found to be unsatisfactory and therefore Government appointed an official President.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know from the member whether there was any mismanagement or confusion in the Municipality so as to necessitate the appointment of an official President?

PRESIDENT: It has been answered already that the mismanagement is being gradually removed, and I do not think there has been any further confusion or mismanagement.

MR. S. NILAKANTA PILLAI (*Chirayinkil II*): May I know whether it is a fact that the confusion arose on account of the mischief of a clerk in that Municipality?

PRESIDENT: That does not arise.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the nature of the irregularity found against that Municipality?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Irregularities in collection and mismanagement of revenues.

PRESIDENT: There was general mismanagement of revenues in short.

MR. K. P. KRISHNA MENON (*Parur*): Was there any defalcation?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have not got the back file to answer that question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Government have ascertained whether the irregularity existed due to the incompetency of the person who was President at that particular time or whether it was due to the functioning of non-official Presidents?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have already said that at the time when the municipal affairs were examined, it was found to be so bad that Government thought that, under a non-official President, things would not improve. They did not enquire at the time whether there was any other non-official gentleman who could take over the management of the Municipality.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) My question is whether the Government have tried to ascertain whether the irregularities were due to the fact that there was a non-official President functioning then.

PRESIDENT: The action of Government in putting an official President over the affairs of the Municipality answers that question.

Sub-Registrar's Office at Nagercoil.

5. * **MR. M. SIVATANU PILLAI** (*Tovala*): Will the Government be pleased to state:

(*a*) whether they received any proposal to construct an office for the Sub-Registrar Cutcherry at Nagercoil:

(*b*) if so, when;

(*c*) whether any estimate was prepared therefor;

(*d*) if so, when it was so prepared;

(*e*) whether that work has been begun; and

(*f*) if not, why not?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) Yes.

(b) In January 1914.

(c) No.

(d) to (f) In view of the answer to part (c), these do not arise.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why there was no estimate prepared for the purpose of beginning the work?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): In January 1914, the Director requested Government that a Sub-Registry Office may be constructed at Nagercoil. The Government at that time thought that the matter was not urgent and it was allowed to lie over. The Public Works Department was therefore not asked to prepare an estimate.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the Government will be pleased to reconsider the question?

PRESIDENT: That question does not arise as a supplementary question.

Agastisvaram Sub-Treasury Office.

6. ***MR. M. SIVATANU PILLAI** (*Tovala*): Will the Government be pleased to state:

(a) whether there was any proposal to shift the Agastisvaram Sub-Treasury office from its present place to the old Vernacular School premises; and

(b) if so, why it has not yet been done?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): (a) Yes.

(b) Certain repairs and improvements to the building were found necessary, before the office could be shifted. It is reported that the work is now in progress.

MR. M. SIVATANU PILLAI (*Tovala*): With reference to part (b), may I know if the estimate was prepared for effecting improvement and what was the amount for it?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes. The estimate comes to Rs. 2,000.

MR. K. R. ELENKATH (*Kalkulam I*): May I know how much remains unoccupied?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

Construction of a groyne in the Kulakkada river.

7. * **MR. A. S. DAMODARAN ASAN** (*Mavelikara*): With reference to the answer to the question regarding the construction of a groyne on the bank of the Kulakkada river, given on 1st August 1931, in the Legislative Council (*vide* Vol. XIX, pages 305 to 308, of the Travancore Legislative Council Proceedings), will the Government be pleased to state:

(*a*) whether the new bund, referred to in the answer, has been destroyed by the floods due to the absence of the groyne; and

(*b*) whether the bund and the groyne have been constructed after the floods?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) No.

(*b*) The bund was constructed before the floods and it has stood well. The construction of the groyne was found not necessary by experience.

Haripad-Elanjimel road.

8. *MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state the steps taken by them on the memorials submitted in Adi 1108 to the Dewan and the Chief Engineer by a deputation of the inhabitants of the Mavelikara and Kartikapalli taluks for the construction of the Haripad-Elanjimel road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): An estimate has already been sanctioned for the construction of the road from Haripad to Anjilimoottil kadavu and provision made in the budget for 1110. After this portion is completed, the other portions of the Haripad-Elanjimel road will be considered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the Chief Engineer whether the amount included in the budget for 1110 will be spent this year itself?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I think so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Chief Engineer is in a position to say that the work has reached such a stage as to enable the member to give a sure reply?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I am afraid I cannot.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I wish to know is whether the Chief Engineer could say at what stage the work is now.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I was recently in the vicinity with the Honourable member for a whole day, but did not visit the place and so I am unable to say at what stage the work is now.

PRESIDENT: I hope this may be completed before the end of the year.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes, Sir.

Improvement of roads in the Mavelikara taluk.

9. *MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state the steps taken by the Chief Engineer on my letter, dated 4-6-1109, regarding the improvement of the Oachira-Tamarakulam, the Pantalam-Atukkattukulangara and the Anandapalli-Kaippattoor roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer*):

Oachira-Tamarakulam road: Nothing has been done as it was not possible to attempt anything with the meagre sum of Rs. 400 said to have been collected by the people for improving a road which will cost about Rs. 14,000 excluding bridges and culverts.

Pantalam-Atukkattukulangara road: Declaration for the formal acquisition of the land has been published in the Gazette.

Anandapalli-Kaippattoor road: The land has been surrendered by the people and duly demarcated by the Revenue Department. Some pipe culverts were also constructed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Chief Engineer has come to any conclusion with regard to the roads mentioned after his inspection?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what those are?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have reached several conclusions.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that the Chief Engineer is not now in a position to give me the exact stage at which the work is?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Is it the opinion of the member that the Chief Engineer can answer eight questions at a time?

PRESIDENT: When was your last inspection of the roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): About a week ago.

PRESIDENT: In view of your experience of that, Mr. Damodaran Asan wants you to answer his question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what are the conclusions arrived at by him after the inspection of the road?

PRESIDENT: That is a very vague question to ask.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether on inspection the Chief Engineer found that the work on these roads must be taken up without delay?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): That is what I am aiming at.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I wish to know whether supplementary questions can be asked on conclusions formed by a particular officer. It is Government who answers questions. That being so may I know whether the opinion of a particular individual can be asked before Government have pronounced upon that matter?

PRESIDENT: It is a matter of opinion and I have ruled out that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All that I wish to know is the particular stage at which the work is now standing according to the Chief Engineer.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I recently visited the district in company with the Honourable member. There were eight different inspections on that day and consideration is being given to the various requests made by the member. I cannot say now at what stage those constructions are.

Opening of roads, public tanks, etc., maintained with public funds, to all classes.

10. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state the steps taken by them in pursuance of the Press Communique issued early in Makaram 1109 regarding the opening of roads, public tanks, etc., maintained with public funds to all classes of His Highness's subjects irrespective of caste or creed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The question is under the consideration of Government.

MR. A S. DAMODARAN ASAN (*Mavelikara*): May I know whether this question was under the consideration of Government even before the issue of the Press Communique referred to in the question?

PRESIDENT: That does not arise. Let us understand that a supplementary question is intended for the purpose of elucidation of information already given in answer to a question. If the answer is vague, is not full, or is defective, then of course, supplementary questions come to the aid of the interpellator and official members will be in a position to give them definite answer.

MR. M. SIVATANU PILLAI (*Tovala*): May I know how long it will take for Government for consideration of the question?

PRESIDENT: That is a matter of opinion.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): In view of the strong prevalence of opinion in the country, will the Government expedite the settling of the question?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The matter is under the consideration of Government. They will do all that is possible to expedite it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know how far their consideration has progressed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government called for a list of roads and tanks maintained with public funds. A conference of the heads of departments concerned was held under the presidency of the Dewan for the consideration of this important question, and as a result of the conference four schools were thrown open to all classes of people. Further consideration is necessary before the whole question is decided.

PRESIDENT: Will the Chief Secretary assure the House that the whole matter is being vigorously pushed through?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, Sir. The whole question is being very vigorously pushed through.

Sale of immovable properties for arrears of tax.

11. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of cases in which immovable property was proceeded against for recovery of arrears of land tax in each of the years 1104, 1107, 1108 and up to 26-11-1109; and

(*b*) the amount that is to be recovered as cost from one defaulter whose properties are sold for arrears for land revenue?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) 1104— Rs. 23,910
1107—17,172
1108—15,982
1109 (up to 26-11-1109)—30,938.

(*b*) The amount that has to be recovered as cost will vary according to the amount of arrears and according to the nature of the property proceeded against.

If the property proceeded against is—

	Minimum charge.	*Maximum charge.*
(*a*) Movable	Chs. 15	Chs. 19
(*b*) Immovable	„ 21	Re. 1-0-0

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether in reference to part (*b*) there was any particular case in which the movable property was proceeded against while there was immovable property?

PRESIDENT: That does not arise.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government are aware that, in the case of arrears of tax on certain lands, other lands belonging to the same owner are attached and brought for sale for realisation of arrears?

PRESIDENT: That is a vague question. Can you give an instance for it?

MR. S. J. NAIR (*Nedumangad*): That is being adopted by the Revenue Department as a custom.

PRESIDENT: Is that being adopted as a matter of policy?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir. If the owner possessing property No. 2 has to pay arrears of tax on No. 1, property No. 2 is attached.

PRESIDENT: Do such cases arise, Mr. George?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The usual practice is to proceed in the first instance against the property the tax on which is defaulted. If it is not possible to recover the

tax from the property concerned, then steps are taken against other properties of the *thandaper* holder.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether, in the case of arrears of tax on paddy lands, garden lands are attached and sold?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I cannot now give a definite answer.

Drought in Karunagapalli and Kartikapalli.

12. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state whether their attention has been drawn to the fact that the paddy cultivation near the backwaters in the Karunagapalli and Kartikapalli taluks has been completely destroyed by the recent (Kanni 1110) drought continuing for over two months?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member whether this fact was brought to the notice of the Dewan?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, the Dewan received a petition stating these facts and this was investigated and the Division Peishkar has reported that there was no *complete destruction* of paddy cultivation in the area.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that there was no complete destruction of all paddy crops in the two taluks mentioned or that there was no complete destruction of crops in certain areas?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The question is "whether their attention has been drawn to the fact that the paddy cultivation near the backwaters in the Karunagapalli and Karthigapalli taluks has been completely destroyed". That is not a fact.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether it has been partially destroyed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In some parts, crops have failed.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is the member in a position to give an idea of the extent of destruction?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I am not in a position to give definite information.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether there has been substantial failure of crops?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*: The Division Peishkar has not reported that there has been *substantial* failure of crops. Of course, there has been failure of crops

MR K. P. KRISHNA MENON (*Parur*) May I know from the member whether any report has been called for?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) Yes.

Alwaye Ferry.

13 *MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : Will the Government be pleased to state :

(*a*) the number of cars, buses, carts and bullocks that pass through the Alwaye ferry crossing per day ; and

(*b*) whether the one *junghar* provided now is sufficient to cope with the volume of traffic ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) No traffic census is being taken now.

(*b*) No.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : May I know from the member how the Government came to know that the one *junghar* provided now is insufficient to cope with the volume of traffic ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : A report has been received from the Division Officer.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*) : May I know from the member what Government have done in the matter ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : The Division Officer has been asked to make proposals for an additional *junghar*.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know from the member when the insufficiency of this arrangement was reported ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) About six weeks ago.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know from the member whether it was on a reference of this question to the Division Officer that this report was received ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : Probably it was. I am not sure.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Can the Chief Engineer give the House definite information whether it was on a reference of this question to the Division Officer that such a report regarding the insufficiency of the arrangement was received from him ? The House does not want such evasive answers in which the Chief Engineer has been found often indulging.

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I have never tried to evade answers.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : That is a question for the Chair to decide and the Chief Engineer has no right to give that reply. I want to know whether it was on a reference to the Division Officer that such a report was received.

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I claim notice.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Has the Chief Engineer enquired how long it is since that insufficiency has been felt by the public ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Has the Chief Engineer asked the Division Officer to explain why such report was not made prior to the period mentioned by the Chief Engineer, that is six weeks?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have said that I claim notice.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I wish to know whether the Chief Engineer asked for the explanation of the Division Officer why such a report was not submitted by him early enough?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it to be taken that there was no explanation called for by the Chief Engineer from the Division Officer? May I know why the Chief Engineer did not deem it necessary and proper that such an explanation ought to have been called for?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): May I ask the member to frame his question in a simple way?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member why he did not deem it proper to call for the explanation of the Division Officer as to why this inconvenience to the public was not brought to the notice of the Chief Engineer early enough?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Evidently the Division Officer was not aware.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Regarding the propriety and the information contained in the answer, I submit to the Chair.

PRESIDENT: The question is, why on earth the Division Officer did not bring the matter definitely to the notice of the Chief Engineer early enough.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I did not ask the Division Officer for any explanation. All that I asked him was to submit proposals for providing an additional *junghar*.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether there is any toll-gate near the Alwaye ferry? It is said in the answer that no traffic census is being taken now. A reference to the toll-gate contractors would have obviated the difficulty.

PRESIDENT: You want to know whether the toll-gate contractors were consulted in the matter?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No toll-gate contractor was consulted in the matter.

MR. K. P. KRISHNA MENON (*Parur*): May I know from the member whether the Chief Engineer has inspected the locality?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR. K. P. KRISHNA MENON (*Parur*): Has he found that the insufficiency of *junghar* is causing great inconvenience to the public?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I experience the usual inconvenience of every traveller using a *junghar* to cross a river.

English Middle School in the Nedumangad taluk.

14 *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state how long it is since the English Middle School at Nedumangad was started?

MR. R M. STATHAM (*Director of Public Instruction*): 13 years and 8 months.

MR. S. J. NAIR (*Nedumangad*): Is the member aware that a building has been handed over to the Government for starting an English Middle School 13 years and 8 months ago?

MR. R. M. STATHAM (*Director of Public Instruction*) Yes.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Government have made any promise to the people of Nedumangad that the school will be raised to a High School as early as possible?

MR. R. M. STATHAM (*Director of Public Instruction*): I am not aware whether the Government has made any promise at any time. But the question of raising the school to a High School is now under consideration.

MR. S. J. NAIR (*Nedumangad*): May I know-

PRESIDENT: Please be satisfied with the answer, Mr. Nair.

Vamanapuram District Dispensary.

15 *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state whether the building wherein the Vamanapuram District Dispensary is put up is not an old thatched building?

MR. JAMES SIMPSON (*Darbar Physician*): Yes.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Vamanapuram Dispensary is now in a progressive condition?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I rise to a point of order, whether the thatching of the building has got anything to do with the progressive condition of the dispensary there? The answer given is "Yes".

PRESIDENT: Generally I allow some latitude to Mr. S. J. Nair.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Government have made a promise long ago that a new building will be constructed for the use of the Dispensary?

PRESIDENT: You are yourself conveying the information. It is not asking for information.

MR. JAMES SIMPSON (*Darbar Physician*): I cannot give any information to that effect.

Issue of Legislative Council tickets to periodicals.

16. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state whether all the important dailies, weeklies and monthlies are given tickets for admission in the Legislative Council meetings?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : There is no institution in the State by name 'Legislative Council' now.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the " Sri Chitra State Council" could be called as " Travancore Legislative Council ?

PRESIDENT : If somebody chooses to call it by that name, there is no objection to do so. But Government call it by the name given in the Regulation.

MR. S. J. NAIR (*Nedumangad*) : I would refer to page 64 of the Travancore Sri Mulam Assembly Manual. There the definition of the word " Council " seems to be the Sri Chitra State Council. In answer to question 16, it is said that there is no institution in the State by the name Legislative Council. Under the definition given in the Manual, the Sri Chitra State Council is known as the Legislative Council.

PRESIDENT That is a thing which the other House is more concerned about.

MR. S. J. NAIR (*Nedumangad*) My question was " Will the Government be pleased to state whether all the important dailies, weeklies and monthlies are given tickets for admission in the Legislative Council meetings ?" As regards the tickets that are issued to the Press when the Assembly is in session, we all know to what all representatives they are issued. But I want to elicit the information from the Government as to the nature of the Press representatives that are invited to the Legislative Council meetings for which the Government answer that there is no institution by name ' Legislative Council '.

PRESIDENT : There is only the Sri Mulam Assembly or the Sri Chitra State Council. The difficulty arises there. However, you may put the question in another form.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : " Council " means the " Sri Chitra State Council ".

PRESIDENT : However, we are in the Assembly. The member may put the question in the correct form.

MR. S. J. NAIR (*Nedumangad*) : No answer has been given to my question. It has been evaded.

PRESIDENT : I do not accept your interpretation.

Hospital at Attingal.

17 ***MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state whether there is any Government hospital or dispensary at Attingal ?

MR. JAMES SIMPSON (*Darbar Physician*) : No.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that there is need for a Government dispensary at Attingal ?

MR. JAMES SIMPSON (*Darbar Physician*) ; Government are not aware.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether the Government are aware that Attingal is a Municipal town and that there is thick population there?

MR. JAMES SIMPSON (*Darbar Physician*): I have no information as to the thickness of the population.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether the Government are aware that at least for maternity cases a dispensary has to be started and a Lady Medical Officer appointed at Attingal?

MR. JAMES SIMPSOM (*Darbar Physician*): I do not know whether the needs of Attingal are anything more than the needs met by the grant-in-aid hospital there.

MR M. SIVATANU PILLAI (*Tovala*): May I know whether there is a hospital in or near about Attingal?

MR. JAMES SIMPSON (*Darbar Physician*): Yes, there is a hospital at Attingal.

ADJOURNMENT MOTION.

PRESIDENT: Well, the question time has expired now. I have to inform the House that I have received a bunch of motions for adjournment of the House. It would be convenient if I should, in the first place, deal with one motion in particular, which, you will see for the reasons that I am going to mention will be rejected as out of order. The one that I am now referring to is:

> "I wish to ask for leave to move for an adjournment of the business of the House to consider a specific matter of urgent public importance; the situation that has arisen in the country owing to the widespread feeling that the Cochin Harbour agreement of 1925 is to be varied to the detriment of Travancore interests."

Well, I shall not enter into the variety of reasons for which, perhaps, I must rule that the motion is rejected. At present, I will only point out to the House that these negotiations at the present moment are in a very delicate stage and it is not in the public interests to allow any discussion on the floor of the House. For that reason, I rule that motion out of order.

Then, there are, I think, six motions, more or less of the same nature. They all deal with the present economic situation of the country, more particularly in view of the failure of the crops.

The first motion is by Mr. Changanachery K. Paramesvaran Pillai which runs as follows:—

> "I have applied to the President for permission to move for an adjournment of the House to-day to discuss a matter of urgent public importance *viz.*, the situation caused by the failure of the paddy crops in 1110 owing to the failure of the last two monsoons. The Makaram crop has been destroyed by drought and the paddy plants in *Punja* fields have been destroyed by worms. It is therefore necessary that the land tax on paddy lands should be remitted for the year".

There is another motion by Mr. A. S. Damodaran Asan:

> "I wish to ask for leave for an adjournment of the business of the House to consider a specific matter of urgent public importance *i. e.*

the serious situation that has arisen in the country owing to the heavy loss sustained by the paddy cultivation in the State due to the drought that was prevailing in this country".

The next is by Mr. N. E. Varughese:

"I beg leave to move that the business of the Assembly be adjourned to discuss a definite matter of urgent public importance, to wit, the great loss and sufferings caused to the agriculturists throughout the State by the recent unprecedented drought and by the visitation of paddy pests in *Punja* cultivation".

Mr. R. Sambasiva Aiyar's motion is:

"I wish to ask for leave to move the adjournment of the House to discuss a definite matter of urgent public importance, namely the situation created in the country by the failure of paddy crops in the present season on account of the terrible drought".

The next one is by Mr. A. Thanu Pillai:

"I wish to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the hardship caused to the people by the failure of paddy crops in the present season.

The Makaram crops have almost completely failed in many parts of the State. At this time of economic depression, this failure of crops has considerably increased the sufferings of the ryots. In these circumstances, it is impossible for them to pay the land tax. They stand in need of relief in other directions as well. Unless the question is tackled early enough, terrible famine conditions are likely to arise".

The last one by Mr. K. R. Elenkath reads:

"I move that the business of the House be now adjourned to discuss the grave situation created by the unprecedented failure of crops at the last harvest season".

These are the adjournment motions that have been put into my hands. I will now ask whether the House will give leave to these gentlemen to move.

No objection being raised, the motion is, by leave of the House granted. I think as a matter of convenience, to facilitate this discussion, it would be well if those gentlemen whose names I have read out already and who are responsible for these numerous motions will arrange amongst themselves as to who the mover of the motion should be so as to facilitate the discussion and the other gentlemen who have given notice will perhaps contribute to the mover any information which they could give.

The next question I have to consider is when it will be taken up. Perhaps, this afternoon will be rather inconvenient in that the Government member perhaps will have to contribute usefully to this discussion and furnish some information which the Government may require and which will be of considerable importance in regard to the discussion. He may not be quite ready with the information now. It will therefore be fair, I think, if we could take up the discussion tomorrow at 3·30 P. M.

Two other motions have been put into my hands. The one by Mr. S. J. Nair is:—

"I beg leave to move the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the urgent need and necessity of postponing the collection of land tax, including water cess through coercive process, in view of the prevailing economic depression, drought and impending famine in the State".

The other is by Mr. M. Sivatanu Pillai :

"The condition of the ryots of Nanjinad on account of the prevailing unusual drought and of the disappointment at the Kodayar Reservoir to supply water for irrigation purposes".

In the light of the fact that I have already admitted motions which are comprehensive enough and which cover the whole ground, it is unnecessary to admit these motions of a restricted nature. Therefore these two motions will be ruled out as being unnecessary.

PANEL OF CHAIRMEN.

PRESIDENT: Under Rule 3 (2) of the Travancore Legislative Rules, I have nominated Rao Sahib S. Paramesvara Aiyar and Mr. Pacode A. Narayana Pillai as the Panel of Chairmen for the Fourth Session.

Statement laid on the table.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : Under Rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rupees.	Particulars.
	(1109)	
VIII. Medical, Public Health and Sanitation—Public Health & Sanitation.	500	Under "Prevention of Epidemics" for the Peermade Taluk.
IX Police.	390	Under Police Commissioner's Office contingencies—Fees to Vakils.
X. Buildings, Communications and Miscellaneous Public Improvements.	20,000	For the removal of the sand accretion at the Alleppey Pier.
XII Administration of Justice.	250	Under Travelling Allowance for the Head Sirkar Vakil's Department.
Do.	1,350	Under 16. A. High Court,—Travelling Allowance.
XXII. Ports.	6,075	Being the cost of 50 new trucks supplied to the Alleppey Port by the P. W. D.
Do.	20,402	Being the amount paid to the Royal Indian Marine in connection with the employment of H. M. I. S. "Investigator" for the survey of the Neendakara anchorage.
Do.	27,783	Do. Do. for the survey of the Quilon Roadstead.
	(1110)	
II. Buildings, Communications and Miscellaneous Public Improvements.	70,000	For the construction of the building urgently required for the Leper Colony at Noornad.
VIII. Customs.	1,000	To meet the expenditure on account of taking delivery of banderols required in connection with the imposition of excise duty on matches

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND II - PUBLIC WORKS DEPARTMENT.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I move for a supplementary grant for Rs. 8,200 under Public Works Demand II—for the construction of masonry boundary pillars at the Neendakara anchorage.

The Electrical Engineer in his letter No. 239 dated 29-10-33 moved Government to instruct the Principal Port Officer to take detailed soundings of the sea for a few miles about the Neendakara bar for finding a safe place of anchorage for steamers in close proximity to Neendakara for the landing and delivery of electrical plant, machinery and other heavy materials for the Pallivasal Hydro-Electric Project. The Principal Port Officer suggested a marine survey of the Neendakara anchorage being carried out by the officers of the Marine Survey of India, then engaged in re-surveying the Quilon road-stead. The survey was accordingly arranged and on obtaining the results the Principal Port Officer reported that in order to enable captains of vessels to obtain a position for anchorage off Neendakara, two masonry boundary pillars should be constructed. The Chief Engineer prepared an estimate for the work for Rs. 8,230 in June 1934 and Government sanctioned special funds to the extent of Rs. 8,200. The sanction was received too late for the work to be carried out during last year, as expected, hence the provision lapsed.

Therefore I ask that this sum of Rs.8,200 be provided as a supplementary grant to the budget for 1110.

The grant was, by leave of the House, made.

DEMAND V—AGRICULTURE AND FISHERIES.

MR. T. C. THOMMEN (*Secretary to Government*): Sir, I beg to move for a supplementary grant of Rs. 10,445 under Demand V—Agriculture and Fisheries, on account of the appointment of marketing officers and staff, the extension of study leave to Mr. A. Narayanan Nair, Fishery Inspector, and the supply of salt at concessional rates to fish curers.

The first item is the appointment of marketing officers and staff. The Government of India have inaugurated a new scheme of marketing for the improvement of the economic condition of agricultural population and they have appointed a marketing expert. The marketing expert visited our State also. The scheme consists of the appointment of special officers to conduct marketing surveys and to collect information. The Government propose to co-operate with the Government of India in this matter and to appoint two officers and give them a small staff of one clerk and a peon each. The total charges on account of these appointments, that is, for the next 5 months of the year will come to Rs. 3,440.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the Government member what is meant by marketing survey?

(195)

MR. T. C. THOMMEN (*Secretary to Government*): These officers are expected to make a survey of the State in regard to the condition of marketing the produces of the country within the State.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): By taking marketing survey, are the officers expected to know the nature of the crops or the means of communication or what is it that is required of them to be done? That is, in case if it is the suggestion of Government that all these local conditions are to be surveyed, will not the Revenue officers do it instead of these new officers?

MR. T. C. THOMMEN (*Secretary to Government*): Sir, I will read the duties as suggested by the Government of India so as to give complete information.

PRESIDENT: Well, the Chief Secretary may deal with this question.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the question of developing the markets for our produce is a very important one and those of you who have read the Report of the Royal Commission on Agriculture must have noticed what importance that Commission attached to this question of the marketing of produce. This question has also been dealt with at length by the Central Banking Enquiry Committee. The necessity for an organisation to find proper and better markets for the produce has been fully pointed out in those two reports and in pursuance of the recommendations of those Committees, the Government of India have just now started a marketing organisation. They have appointed a chief marketing expert, Mr. Livingstone, and under him they are going to appoint—probably they have already appointed—a number of Assistant Marketing Officers. Each of them will deal with a specific article. The Government of India sent their marketing expert to the various Provinces and States in order that he might enlist their co-operation with the central organisation. In his itinerary Mr. Livingstone visited Travancore and he had a long discussion with the Dewan and other officers of the State and pointed out the necessity of Travancore falling into line with the other States and Provinces by setting up a small marketing organisation of its own. This organisation no doubt will work within the State, but it will work in collaboration with the marketing organisation of the Government of India.

The main function of the marketing Officers here is to make a survey of the local conditions. They have to go round and find out what different grades of articles are produced, where they are now being sold, how the quality could be improved so as to get better prices for these articles outside, etc. They have also to advise the cultivators and the producers on the conditions of the market elsewhere, particularly the prices ruling in those markets. In short, they have to act as *liaison* officers between the producers here and the buyers elsewhere. They will form a sort of connecting link and work in collaboration with the Central Marketing Officers.

[Rao Sahib Dr. N. Kunjan Pillai.

The Marketing Expert under the Government of India may lay down the lines on which the work is to be carried on for the guidance of the local officers. He may supply them with information about the marketing conditions elsewhere which they can transmit to local producers. We know that certain articles are being produced here, but we know very little about the quality and the different grades that will fetch the best price in outside markets. In the case of coir yarn, for example, we have to find out where a particular grade will find the best sale or fetch the best price and our manufacturers should know how coir yarn of various sorts is to be graded. Trade attaches a great deal of importance to the grading of articles. Take, for instance, an article like egg. If you classify eggs into different grades according to their weight and then sell them, you will get a better price than when they are all mixed together as if they were of the same quality. Local producers should know how to grade the articles. They should be advised to see that their supplies are true to the samples. Supply not being true to the sample was one of the chief defects of our trade that came to my notice when I was in London in connection with the Wembley Exhibition. Quotations were called for by British importers and samples were sent with quotations by local merchants. The importers there told me that invariably when the actual supply came they found that the supply—not the whole supply—was sometimes not equal to the sample, and the result was that the purchasers there lost confidence in our merchants. In order to prevent such malpractices, it is necessary that there should be somebody in Travancore to go about and advise the producers properly. The chief duties of the marketing officers are to go round and visit the villages and markets and give the necessary advice to the producers and also to make a survey of the articles and the marketing conditions obtaining here. It may not be necessary for them to visit other countries. They can get all the necessary information about other countries through the Central Marketing Board. To find out what the market conditions for cashewnut are in America, it is not necessary for our marketing officers to visit America; they can get the information from America through the Central Board. So the main functions of the marketing officers are to advise the local cultivators and producers on improving the quality and the grading of their articles and the best markets in which they could be sold.

Probably a question may be asked why, in case marketing officers are to be appointed, there should be a Trade Agent at Bombay. Well, I should say that the functions of the two are different. As I have tried to explain, the marketing officer's attention will be concentrated mostly within the State, in finding out what articles should be sent out and to which places and how the articles should be graded and so on; but the Trade Agent's business is to study marketing conditions elsewhere and secure orders and pass them on to the exporters here. Probably after some time, one of these officers may be abolished. At present there is scope for both, one to work

within the State and the other outside the State; and if they work in co-operation, they will contribute greatly to the development of our trade. Both the marketing officers and the Trade Agent are necessary at present and hence the Government move for a grant for appointing two marketing officers one of whom will be a senior officer and the other will be a junior under him. These two officers have different works to do. One will deal with crops, particularly oil seeds like cocoanut, and the other with animal husbandry products which include fish. We have a good deal of fish to export. If you look at the trade statistics, you will find how large is our export trade in fish There is great scope to develop this trade and a competent marketing officer will be able to make a substantial contribution to this development. The Government's proposal is to appoint two officers to work in co-operation with the Central Marketing Board of the Government of India. In these days of economic depression, when we are all anxious to procure the best market for our produce, I hope the House will see the necessity for the appointment of marketing officers and vote this grant.

PRESIDENT: Before proceeding to allow further discussion, I have to inform the House that I have received a note from Mr. Velayudhan Pillai.

"I wish that Rs. 3,440 for the appointment of marketing officers and staff under Demand V—Agriculture and Fsheries, be reduced by one rupee."

In this connection, I have to draw the attention of the House to the ruling which the Chair gave previously in regard to cut motions on supplementary demands. That ruling you will find in Volume II, No. 10, of the Proceedings of the Travancore Sri Mulam Assembly. It covers nearly a page and a half of that book and I shall not be reading the whole in extenso and tire the House. The conclusion and the final decision reached by the Chair was:—

"The Chair has considered the whole matter and has decided to rule that token motions are irrelevant and inadmissible on demands for supplementary grants, though of course the policy underlying or necessarily related to the purpose for which the demand is made may be discussed on the main question, while supporting or opposing it.

" Therefore the token cut is ruled out of order.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Before the Chief Secretary closed his speech, I wanted to ask a question.

PRESIDENT: Louder, please.

MR. A. THANU PILLAI (*Trivandrum-Rural*): The Chief Secretary told the House about the Trade Agent in Bombay. I wish to know whether the Central Organisation which he referred to in his speech will not do for the purpose.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At present the marketing officers have to concentrate attention on the survey to be conducted within the State. They will also have to give necessary instructions to the local people as to how they should grade

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their articles and how they should market them. To begin with, there is probably sufficient scope for the Trade Agent at Bombay as well as for the marketing officers here. The marketing officers will have enough work to do within the State and it is better—

MR. A. THANU PILLAI (*Trivandrum-Rural*): My question is whether the marketing officers outside Travancore will not be able to place at our disposal information about the marketing conditions there.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It will be some time before they will be able to collect the information and before it will become available to us. In the meanwhile the Trade Agent will find suitable markets for our goods in Northern India and secure orders. There is scope for both these officers to exist side by side at present.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Can the Chief Secretary give me some idea of the work done by the Trade Agent at Bombay?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Grovernment*): If the member will put that as an interpellation, it will be answered in due course.

MR A THANU PILLAI (*Trivandrum-Rural*): Is it the idea of the Government to appoint a new officer for this purpose or are they going to employ an officer in their service from the Agricultural Department who may be expected to know about these things?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That question has not been decided. The Government will consider about the personnel *after* the supplementary grant has been passed by this House.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there any feasibility of deputing an officer from the Agricultural Department for this purpose?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That question has not arisen yet. We must get the money sanctioned first. Then we propose to advertise for applications. I do not know whether there is any competent man in the Agricultural Department for this job. By advertising for applications and by interviewing suitable applicants, Government hope to select the right sort of men.

PRESIDENT: The Government will appoint the most suitable person for this job.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether the Government consider it practicable, or otherwise, to get this work done by the Agricultural Department?

PRESIDENT: We will consider that also.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In view of this, I think there is no necessity for additional staff.

PRESIDENT: It is not as addition, but as separate functionaries.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I oppose the demand. The Chief Secretary attempted to give us an exposition of the grounds why the Government now makes the demand. The reasons are not convincing. I am not against the appointment of marketing officers. Nor do I propose to say anything about the Trade Agent at Bombay. That does not arise under this provision. But regarding the appointment of the marketing officer, I wish to make it clear that, unless this House is assured that the Government will break the old traditions and find out a really good man, the House may not be able to pass the grant.

PRESIDENT: The difficulty is to give the information in advance as to whom we are going to appoint.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): We have been persuaded to belive that in a few years there will be the end of this economic trouble. There are officers in the State like the Director of Agriculture, the Director of Industries, the Conservator of Forests and the Registrar of Co-operative Societies. These functionaries have been working for the economic salvation of the State during a large many years. There is the Economic Development Board in addition. I feel it my duty to say that their work has been rather inadequate. (*Hear, hear.*) What is the meanning of the existence of these departments if they are not able to supply the Government with relevant information regarding marketing conditions Why should any further exploration be made into that well-known field? The Chief Secretary is himself a person who attended the Wembly Exhibition and whose work was appreciated both there and in this country. From the beginning, Sir, I may point out that the Travancore officers seem all of them to have not been interesting themselves in the collection of accurate statistics or even in picking up the necessary information regarding the production and distribution of our wealth. There is a statistical volume which contains some information but that is not always accurate. There are officers in this State who are charged with the work of collecting and compiling statistical information. From personal talk with some of them and with officers of high status, sometimes even during heated discussions in this House, one is not able to get from them any useful information even about their own departments. I therefore think that these marketing officers will also fall in the same mould unless they are selected with great care. I am saying this because it has been stated that there will be two persons, one a superior officer dealing with crops and the other a subordinate one dealing with animal husbandry. This is like two persons attempting to transating a book from the Vernacular to English, two persons, one of whom understands only English and the other only the Vernacular. The result of their labour will be a sample of the result of the work

[Mr. T. K. Velu Pillai.]

of the two marketing officers. I am also sorry to say that Mr. Livingstone, who was here, consulted only the Dewan and the high offfcers of the State about the marketing problems of Travancore. I am surprised to understand from the Chief Secretary's speech that the Dewan and a few officers of high status alone can have ideas and views on the subject. Are we to depend merely on officers? What is the meaning of interviews being arranged with the Dewan and the other officers without enabling Mr Livingstone to come in contact with the people who are actually in the field?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): May I correct that statement? Mr. Livingstone went to Alleppey and consulted the merchants there.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Perhaps the Chief Secretary might have referred to the official interviews alone in a bureaucratic fashion. I shall leave that matter there. Sir, my point is only this. If you are going to appoint a man, appoint a man who knows the conditions perfectly well: A man who comes with testimonials and recommendations may not necessarily be competent. They may be experts in a special sense. They may answer the advertisement with recommendations from high quarters. My remarks may be unsavoury. The Government may be able to assure—

PRESIDENT: I don't know. You need not indulge in such criticism. It is rather unsavoury to charge the appointing authority with such accusations. The Chair cannot allow that.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I thank you, Sir, for the opportunity you gave me to explain my remarks. I did not condemn *all* recommendations. A former Dewan once told me that in making appointments he had made it a policy to attach great value to recommendations. The word is capable of a good meaning. But recommendation from outsiders must have this defect, *viz.*, the persons recommending have no opportunity to find out the comparative merits of individuals who are in Travancore. All the same those testimonials will command arbitrary value. I therefore place this positive fact before you, Sir. Because the Government are so much interested in the welfare of the country, they ought to see that the people who are appointed already know something about our material wealth. In the appointment of the marketing officers, the first question for the Government to consider is whether the officers already in service are doing anything in that line. Unless therefore the Government are prepared to give us some assurance on that point, unless the Government give us some definite information as to the functions of the marketing officers, which have not now been explained properly, we are not convinced that this demand can be allowed.

PRESIDENT: Government will bear in mind all these suggestions when making the appointments. Every member who wishes to speak on this motion will be allowed not more than five minutes.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : Speaking as one representing commerce in this House, I oppose this demand. (*Louder, please.*) In this connection, one is reminded of Moses, in the *Vicar of Wakefield,* going to the market. Our own Banking Enquiry Committee suggested the appointment of marketing officers. But they also laid it down, as condition precedent for such appointment, the introduction of a Department of Commerce, a department which could give commercial intelligence to people in need of it. Not only that. They recommended also the appointment of a Director of Commercial Intelligence. Such an offier is absolutely essential before we can think of going in for marketing officers. Because, so far as I can understand, the main difficulty with our merchants is that they are not in a position to get accurate information on commercial matters and the Government themselves are not in a position to give adequate information in such matters. To appoint marketing officers in these circumstances will be a tragedy. Even if it is decided to create these appointments, I would suggest that their work must be supervised by people who know something about commerce in Travancore; and there must also be a Director of Commercial Intelligence. Sir, Government have already at their disposal several able non-officials who are fit to do useful work for developing the commerce of the country. The Chief Secretary himself raised the question of our Trade Agent at Bombay. I can only say, as a representative of the commercial people in this country, that it has been a very unfortunate appointment. (*Hear, hear.*) In these matters, Sir, it is absolutely essential that local men must be chosen.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Has it come to the notice of the member that there are complaints that goods sent to the Trade Agent at Bombay have not even been acknowledged by him ?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) : I do not know that.

The persons chosen for such appointments must be in touch with the country. I would also suggest that these marketing officers must go about and find out suitable markets, and not confine their attention to Travancore alone. My Honourable friend, Mr. T. K. Velu Pillai, said that he would like to know who the persons were that were likely to be appointed for these posts.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : A point of personal explanation ; I never said that I would like to know who the persons were.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): My humble submission, Sir, is that, if these marketing officers are to be appointed, it would be necessary to consult the local Chambers of Commerce before the appointments are actually made; because they are the persons vitally interested in these matters. With these words, I oppose the demand.

MR. K. R. ELENKATH (*Kalkulam I*) : I also rise to oppose the grant. By so doing, I do not at all question the need for these posts. I do feel that, if proper men are appointed and if they find out good

[Mr. K. R. Elenkath.]

markets for our products in British India and elsewhere, it would be of immense help to the people of the country, especially the agriculturists. My only point is that the amount now asked for, Rs. 3,440, is not necessary for the purpose. My submission is that the work can very well be done by some of our offfcers, in some of the departments, who are not having enough work now. Such officers who have lived in the country and who have known local conditions well can do more useful work than fresh recruits who cannot be anything more than mere experts in some subject or other. The Chief Secretary said, Sir, that one of the proposed officers would be an expert in vegetable products, especially oil-seeds. Even now, Sir, there is an officer—I mean Mr. C. K. Das, who has spent a lot of Government money and who is even now receiving a handsome amount every month from the Government. Why not the Government ask him to do this work? Where is the necessity to appoint a new hand?

PRESIDENT: Government will consult the Honourable member in making the appoinment

MR. K. R. ELENKATH (*Kalkulam I*): I shall be thankful to you for that, Sir.

Then, Sir, if what the Chief Secretary told us is going to happen, the work of the other officer will be to look after fishery produce. I would suggest that Mr. Narayana Aiyar of the Agriculture and Fisheries Department or some other capable officer already in the department can very well be asked to do this work.

With regard to the Trade Agent at Bombay, I know, Sir, that there is the complaint against him that he has not even acknowledged receipt of goods sent to him on his request. Even correspondence with him, they say, is very difficult. It seems that nobody knows his address nor where he lives or where he is having his office. Such is the state of affairs. Government do not seem to pay heed to such complaints.

With these words, I oppose this demand while, at the same time, accepting the principle that marketing officers would be of use to the agriculturists and commercial population of this State.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I also rise to oppose this demand, Sir. When a demand is made for marketing officers, it implies that there are many things to be marketed. The adjournment motions that have now been tabled make it very clear that, so far as paddy is concerned, there is nothing to be marketed. Another main produce in the State is cocoanut; and so long as the throat-cutting competition from Ceylon is in full swing, no marketing officer will be able to do anything to advance the cause of the cocoanut industry in this State. The other products that we may consider in this connection are rubber and tea. Rubber is under the quota restriction scheme, and tea is mainly in the hands of European planters who do not stand in need of any advice or help from the sort of marketing officers we are considering here. Then, it is said that we have pepper, eggs and such

stuffs. After all, Sir, according to the proposal, the activities of the marketing officers would be mainly confined to Travancore. I do not think that any such officer is really necessary to transport articles like fish or egg from one part of Travancore to another.

So far as the Trade Agent at Bombay is concerned, he is our Foreign Minister for Commerce. My friend Mr. Chidambaram Pillai was pointing out that his services are not bearing any fruit. In these circumstances, two new officers, like the marketing officers now proposed, moving from one station in Travancore to another, surveying centres where fish may be procured or where they may be taken to, or where ginger is produced or transported to within the State, however busy they may be in that sort of operation, are not certainly going to add to our economic welfare. We are simply being asked to vote for this proposal with nothing behind the showy name 'marketing officers,' to justify or lighten the task of their fraternity in other parts of India. As I said at the outset, Sir, there must be things to be marketed before we think of appointing marketing officers. I do not think that aspect of the question, the practical utility to be hoped from the appointment of these officers, has been considered by Government before they decided upon the present proposal. I therefore oppose the demand.

MR. T. C. THOMMEN (*Secretary to Government*): Government propose to appoint two marketing officers, one on Rs. 200-250 (*Louder, please*) and the other on Rs. 100-150, and two clerks and two peons. The total amount required is Rs. 3,446. (*Louder, please.*) The duties of the marketing officers have already been explained.

PRESIDENT: Louder, please; I cannot hear you myself.

MR. T. C. THOMMEN (*Secretary to Government*): The work of these officers has been explained. They are expected to collect information regarding all our products, suitable markets for them, and the best methods of supplying them to such markets.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): So, is it the information to be collected and furnished by them that is going to be of value?

MR. T. C. THOMMEN (*Secretary to Government*): They are expected to collect such information and statistics as will help the producer in the country to dispose of the products more easily and more profitably.

The first item of the demand was put to vote and lost.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I demand a poll.

A poll was taken and the House divided as follows:

AYES—18.

1 Mr. K. George
2 „ S. J. Nair
3 „ T. S. Jayantan Nambootiri
4 „ N. John Joseph
5 „ J. M. Joseph
6 „ T. T. Kesavan Sastri
7 Rao Sahib Dr. N. Kunjan Pillai
8 Mr. C. O. Madhavan
9 „ R. Nilakanta Pillai
10 „ N. K. Padmanabha Pillai
11 Rao Sahib S. Paramesvara Aiyar
12 Mr. Kayalam Paramesvaran Pillai
13 Rao Bahadur N. Ramanuja Aiyangar
14 „ K. Sankaran
15 „ R. M. Statham
16 „ P. K. Thomas
17 „ T. C. Thommen
18 „ G. B. E. Truscott

NOES—40.

1 Mr K. C. Abraham
2 „ V. T. Chacko
3 „ S. Chattanatha Karayalar
4 „ P. Chidambaram Pillai
5 „ A. S. Damodaran Asan
6 „ A. Easwara Pillai (*Kalkulam II*)
7 „ A. Easwara Pillai (*Kottarakara*)
8 „ K. R Elenkath
9 „ Antony George
10 „ M. Mahomed Haneef
11 „ M. K. Janardana Kamath
12 „ K. M. Krishnan
13 „ K. P. Krishna Menon
14 „ Pottayil S. Krishna Panickar
15 „ E. V. Krishna Pillai
16 „ N. K. Krishna Pillai
17 „ Puthupalli S. Krishna Pillai
18 „ T. Krishna Pillai
19 „ K. Kunjukrishna Pillai
20 „ C. V. Kunjuraman
21 Mr. E. K. Kunjuraman
22 „ M. K. Madhavan Pillai
23 „ K. Mahomed
24 „ M. N. Nair
25 „ Pacode A. Narayana Pillai
26 „ P. K. Narayana Pillai
27 „ S. Nilakanta Pillai
28 „ K. Padmanabhan
29 „ Edavanatt S. Padmanabha Menon
30 „ Kainikkara M. Padmanabha Pilla
31 „ Changanachery K. Paramesvaran Pillai
32 „ V. Ramakrishna Panickar
33 „ R. Raman Pillai
34 „ M. Sivatanu Pillai
35 „ A. Thanu Pillai
36 „ S. Thiraviam Nadar
37 „ N. E Varughese
38 „ V. K. Velappan Nair
39 „ T. P. Velayudhan Pillai
40 „ T. K. Velu Pillai

NEUTRALS—9.

1 Mr. N. Abdur Rahiman Sahib
2 „ T. K. Alexander
3 „ T. C. Joseph
4 „ K. C. Karunakaran
5 „ K. M. Kuriakose
6 Mr. K. Madhavan
7 „ G. Nilakantan
8 „ R. Sambasiva Aiyar
9 „ John Whitely Tolson

The demand for marketing officers was declared lost.

The Assembly rose for lunch at 1 P. M. and reassembled at 2 P. M. with the Deputy President in the chair.

MR. T. C. THOMMEN (*Secretary to Government*): The second item of the demand is for the sum of Rs. 1,005 for the extension of study leave to Mr. A. Narayanan Nair, Fishery Inspector. Mr. Narayanan Nair is undergoing training in America and it was expected that the course of his studies would be over by November 1934. But it has been decided by the Council of the University that the course of studies should extend up to the end of January 1935.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is it because the candidate himself failed somewhere?

MR. T. C. THOMMEN (*Secretary to Government*): No, Sir. It was expected that in the ordinary course the end of the year would be the vacation. But the University has decided that the course should extend without any vacation up to the end of January 1935. Therefore it has become necessary to provide for his study leave allowance and lodging allowance and the amount required for the purpose is Rs. 1,005

MR. M. SIVATANU PILLAI (*Tovala*): Was he given any study leave before?

MR. T. C. THOMMEN (*Secretary to Government*): The amount of Rs. 3,360 was sanctioned to him by this Assembly itself and now it is necessary to provide something more.

MR. M. SIVATANU PILLAI (*Tovala*): Was this not anticipated before?

MR. T. C. THOMMEN (*Secretary to Government*): No, it was not.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why it was not?

MR. T. C. THOMMEN (*Secretary to Government*): It was expected that the course would be over by November 1934.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Was it not expected that the course will be extended before he went to America?

MR. T. C. THOMMEN (*Secretary to Government*): No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether there is any way by which we can secure some damages from the University? [*Laughter*].

MR. T. C. THOMMEN (*Secretary to Government*): I do not think so.

The question was put and the grant was made.

MR. T. C. THOMMEN (*Secretary to Government*): The next item is for a grant of Rs. 6,000 for the supply of salt at concessional rates to fish-curers. A sum of Rs. 10,000 was provided in the budget for the year and the Director of Agriculture has reported that, on account of very favourable conditions, the amount has already been almost spent and it is necessary, as the same favourable condition prevails, to provide for another Rs. 6,000.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Is it actually money to be spent or only a matter of book adjustment?

MR. T. C. THOMMEN (*Secretary to Government*): Book adjustment.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether Government do not incur to some extent a loss on this account?

MR. T. C. THOMMEN (*Secretary to Government*) : The salt is supplied at a concessional rate.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I wish to know the extent of the loss to Government on account of this Rs. 6,000.

DEPUTY PRESIDENT : Do you mean expenditure or loss?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Loss. I take it, Sir that Government spend this Rs. 6,000 on the purchase and distribution of salt and they do realise a portion of the amount so spent. That is how I understand it, and if I have understood it aright, I wish to know the extent of the loss.

DEPUTY PRESIDENT : Shall I take it that there is no opposition?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : The question of Mr. Thanu Pillai remains unanswered.

DEPUTY PRESIDENT : I may give this direction that, if a Government member proposes to answer a question from the other side, he must do so in reasonable time.

MR. T. C. THOMMEN (*Secretary to Government*) : The amount of Rs. 6,000 now asked for is to meet the loss on account of the supply at concessional rate of salt to fish-curers.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Am I to understand that this amount represents the loss to Government?

MR. T. C. THOMMEN (*Secretary to Government*) : Yes.

MR. A. THANU PILLAI (*Trivandam-Rural*): With what money is salt purchased for distribution? Is there any allotment for that?

MR. T. C. THOMMEN (*Secretary to Government*): It is shown in the budget under debt heads. This amount of Rs. 6,000 is the difference between the actual cost price and what is recovered from the fish-curers.

DEPUTY PRESIDENT : It is not satisfactory for the Government member to say that the information is available in some book or report published by Government. If he is able to give the information, he may give it. To refer the members to a book in which it may appear will not help discussion.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : May I know what the member meant when he said that it is a matter of book adjustment if it represents the loss to Government?

MR. T. C. THOMMEN (*Secretary to Government*) : The salt necessary is supplied by the Excise Department and it has to be paid for. The amount recovered from the fish-curers is something less and the difference has to be provided for and the money has to go out of Government hands.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇപ്പോഴും സഹായവിലയ്ക്കു ഉപ്പുകൊടുത്താൽ അതുകൊണ്ടു് ലാഭം ആൎക്കാണുണ്ടാകുന്നതു്?

DEPUTY PRESIDENT : Mr. Varughese is too late. The Government member has already taken his seat.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala, I*): Sir, I have to put a question.

DEPUTY PRESIDENT: The member has sat down.

The question was put and the grant was made.

DEMAND VI—LAND REVENUE.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Should I move the demand in three parts or as one?

DEPUTY PRESIDENT: It is better to move it in three parts.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Sir, I move for a grant not exceeding Rs. 5,745 under three items. I shall put forward the first part of it at present. I want Rs. 3,000 for meeting law charges in connection with the acquisition of lands for markets and other cases of land acquisition. I have got already a demand from the Peishkars for a sum of Rs. 1,000 to meet certain charges decreed by courts in land acquisition cases. I am expecting more demands in the course of this year. It is obvious that we cannot anticipate exactly what is going to be the amount under decrees. So our budget provision this year. which was Rs. 7,500, was exhausted within even the first two months of the year. Then I got some demands from the Peishkar at Quilon for a sum of Rs 1,000 involved in two cases. Another sum of Rs. 2,000 I am anticipating as the expenditure that may be required in the coming months of the year. in order that we may make payments promptly. That is why I have added another sum of Rs. 2,000 to the demand that has been made by the Quilon Peishkar. On the whole I request that the House would be pleased to grant Rs. 3,000.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Is this amount to be paid as law charges?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have explained that this amount is for paying the decree amounts in land acquisition cases preferred by parties.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Then that is compensation and not law charges.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I do not think it is very correctly designated.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know under what item this amount will come in the budget?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I stated that the heading is wrongly worded.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ എതൃക്കുന്നു. ഇതിലേക്കു എന്നെ പ്രേരിപ്പിച്ചകാരണങ്ങളിൽ ഏററവും പ്രധാനമായതു ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന ചന്തക്കരം നിർത്തൽചെയ്യേണ്ട ആവശ്യകതയെ ഗവണ്മെൻറിൻെറ ദൃഷ്ടിയിൽ കൊണ്ടുവരണമെന്നുള്ളതാണു്.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): On a point of order, Sir. Does the member's statement arise under this motion?

DEPUTY PRESIDENT: Has Mr. George finished?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have finished. I was only answering questions that were being put. I have stated already what I had to say and I have nothing more to add to it.

DEPUTY PRESIDENT: That means, Mr. K. George has finished his speech.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ചന്തക്കരം ഈടാക്കുന്നതിനെ സംബന്ധിച്ചു ഇപ്പോൾ നടപ്പിലിരിക്കുന്ന സമ്പ്രദായം ഏററവും സങ്കടകരമായ ഒന്നാണെന്നു ഈ അസംബ്ളിയിലും ഇതിനുമുമ്പുണ്ടായിരുന്ന കൌൺസിലുകളിലും ജനപ്രതിനിധികൾ വളരെ ശക്തിയായിവാദിച്ചിട്ടുള്ളതാണ്.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): On a point of order, Sir. Does that question arise?

DEPUTY PRESIDENT: He is talking on the motion.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ചന്തക്കരം എന്നുള്ളഭാരം സാമാന്യമായി സാധുജനങ്ങളേയാണ് ബാധിച്ചിരിക്കുന്നതു്. ധനവാന്മാരായ ആളുകൾ അവരുടെ കൃഷിസാധനങ്ങൾ അവരുടെ ശേഖരിപ്പുമുറകളിൽ സംഭരിക്കുകയും അവിടെനിന്നു മററാളുകൾ വാങ്ങിക്കൊണ്ടുപോകയും ചെയ്യുന്നു. തന്നിമിത്തം ധനവാന്മാർക്കു അവരുടെ ഉൽപന്നങ്ങൾ വിക്രയംചെയ്യുന്നതിനു ചന്തയിൽപോകേണ്ട ആവശ്യം സാമാന്യേന ഉണ്ടാകുന്നില്ല. എന്നാൽ സാധുക്കളായ കൃഷിക്കാരുടെ കാര്യമാണ് ഏററവും കഷ്ടതരമായിട്ടുള്ളതു്. അവരുടെ നിത്യോപയോഗത്തിനാവശ്യമുള്ള ചില്ലറ ചിലവുകളിലേക്കു പണം ഉണ്ടാക്കുന്നതിനു അവരുടെ കൃഷിവിഭവങ്ങൾ ചന്തയിൽ കൊണ്ടുവരേണ്ടിയിരിക്കുന്നു. ചന്തയ്ക്കകത്തു കടക്കണമെങ്കിൽ ചന്തക്കരം കൊടുക്കണമെന്നുള്ളതുകൊണ്ടു അവരുടെ സാമാനങ്ങളെ കിട്ടുന്നവിലക്കു വിൽക്കണം. മിക്കവാറും പകുതിവിലയായിരിക്കും കിട്ടുന്നതു്. ചന്തയ്ക്കുവെളിയിൽവെച്ചുതന്നെ വിൽക്കുകയാണു പതിവു്. തന്നിമിത്തം സാധുക്കൾക്കു നഷ്ടവും സങ്കടവും ഉണ്ടാകുന്നുണ്ടു്.

MR. K. R. ELENKATH (*Kalkulum I*): ചന്തക്കരം ഉള്ളതുകൊണ്ടാണോ ഈ കാംപെൻസേഷൻകൊടുക്കണ്ടാ എന്നു പറയുന്നതു്?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഞാൻ ഈ പ്രിൻസിപ്പിളിനെ സംബന്ധിച്ചു സംസാരിക്കുകയാണു. ഈ സഭയിലെ

മുൻനടപ്പനുസരിച്ചു ഇപ്രകാരം ഉൽബോധിപ്പിക്കുന്നതിനു എനിക്കു നിയമദത്തമായ അവകാശമുണ്ടെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നത്.

MR. K. R. ELENKATH (*Kalkulam I*): I rise to a point of order. We are now dealing with a demand which is purely for the additional expenditure which the Government have to incur for land compensation on account of the inadequate provision made by Government at first. I want to know whether the market fees have anything to do with this demad.

DEPUTY PRESIDENT: I have been carefully listening to the members' speech and my view is that Mr. Velayudhan Pillai is in order. If Mr. Velayudhan Pillai is opposed to having any market for the reasons that he suggests, that will be relevant. The motion is whether there should be money provided for the acquisition of lands. So if the markets are in such a very bad condition, it will be an argument for opposing the demand. Mr. Velayudhan Pillai can therefore proceed; of course, not expatiating very much upon it.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഈ ഇനത്തിൽ ൧൧൧൦-ാമാണ്ടത്തേയ്ക്കു ഗവർമ്മെന്റിനു കിട്ടുമെന്നു പ്രതീക്ഷിച്ചിരിക്കുന്ന തുക ഗവർമ്മെന്റിനെ സംബന്ധിച്ചിടത്തോളം വളരെ തുച്ഛമായ ഒന്നാണ്; അതായത് ൭൫,൦൦൦ രൂപാമാത്രമാണ് പ്രതീക്ഷിച്ചിരിക്കുന്നത്. ഈ ൭൫,൦൦൦ രൂപായുടെ ഭാരംമുഴുവനും വഹിക്കേണ്ടതു സാധുക്കളുമാണ്. ഗവർമ്മെന്റിന് ഈ ൭൫,൦൦൦ രൂപാ കിട്ടുമ്പോൾ പ്രൈവററുമാക്കററുകളിലെ ലൈസൻസികൾ ഈ സാധു കഷികളുടെ പക്കൽനിന്നു ഒരു വലിയസംഖ്യ വസൂൽചെയ്തുവരുന്നുണ്ട്. അതായതു ഗവർമ്മെന്റിൽ അടയ്ക്കേണ്ടതുകയേക്കാൾ എത്രയോ കൂടുതൽ തുക ലൈസൻസീസ് ഈടാക്കിവരുന്നുണ്ടു. ഇതിനുദാഹരണമായി നെയ്യാററിങ്കരതാലൂക്കിലുള്ള ആറാലുമൂട്ടുചന്തയുടെ കാര്യംമാത്രം പറഞ്ഞാൽ മതിയാകും. ഈ ചന്തസ്ഥാപിച്ചതുമുതൽ അടുത്തകാലംവരെ പ്രതിവർഷം ൨൫ രൂപാ അടയ്ക്കത്തക്കവണ്ണം ലൈസൻസുകൊടുത്തിരിക്കയായിരുന്നു. ഈ ചന്ത മുനിസിപ്പാലിററി ഏറെറടുത്തു നടത്താൻ തുടങ്ങിയപ്പോൾ ൪,൦൦൦ രൂപായോളം പ്രതിവർഷം മുൻസിപ്പാലിററിക്കു കിട്ടിവരുന്നു. ഇത്രയുംതുക വളരെ കാലമായി ലൈസൻസിസ് സാധുജനങ്ങളിൽനിന്നും ഈടാക്കിവന്നിരുന്നു എന്നുവേണം വിചാരിക്കാൻ. ഇപ്പോൾ അനേകം പ്രൈവററു മാക്കററുകൾ നടപ്പിലിരിക്കുന്നതുകൊണ്ടു ഈ സംഗതി പ്രത്യേകമായി ഗവർമ്മെന്റിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവരുന്നതാണ്. അതുകൊണ്ടു ഈ ചന്തക്കരം ഉടനടി നിറുത്തേണ്ടതാകുന്നു.

[Mr. T. P. Velayudhan Pillai.]

പിന്നീട്, എവിടെയെങ്കിലും ചന്തകൾ ആവശ്യമുണ്ടെന്നു തോന്നിയാൽ പ്രൈവറ്റ മാർക്കറ്റുകൾ നടത്തുന്നതിനു അനുവാദം കൊടുക്കാതെ ഗവൺമെന്റ് മാർക്കറ്റായിത്തന്നെ നടത്തുന്നതിനു ഏർപ്പാടുചെയ്യണമെന്നാണു് എനിക്കു പറയുവാനുള്ളതു്.

MR. E. V KRISHNA PILLAI (*Pattanamtitta*): ചന്തക്കരം നിറുത്തുന്നതുവരെ ഈ കാംപെൻസേഷൻ കൊടുക്കണ്ടാ എന്നാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvala III*): കൊടുക്കാതിരുന്നാലും തരക്കേടില്ല.

MR. K. R. ELENKATH (*Kalklam I*) : ഈ കാംപെൻസേഷൻ കൊടുക്കുന്നതുകൊണ്ടുള്ള രക്ഷ കുടികൾക്കാണോ അതോ ഗവൺമെന്റിനാണോ?

DEPUTY PRESIDENT: I do not think there is any one else to speak on this.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I do not think it is necessary for me to traverse the general grounds raised by Mr. T. P. Velayudhan Pillai. My demand is a specific one. The courts have decreed that certain amounts have to be paid and there is no money in the budget Under the circumstances, I request the Assembly to vote this very necessary grant so that the decree amounts may be paid.

DEPUTY PRESIDENT : I thought Mr. Velayudhan Pillai made only certain suggestions.

(A voice. He opposed the entire demand).

DEPUTY PRESIDENT : Those in favour of the demand, will please signify their assent.

The first item of the demand is allowed.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The second item is for a sum of Rs. 900 for opening a special survey class. It has been usual every year to have two survey classes. This provision was omitted in the budget when it was framed.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Was it by oversight?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No. I have had to report to Government recently that certain acting Tahsildars are now without a knowledge of survey. I need not place before the House how a knowledge of survey is an indispensable factor for a Tahsildar. He has to deal with lands and its sub-divisions. He has to deal with *puduval, poramboke, pokkuvaravu* and other cases of lands. If the Tahsildar does not possesses knowledge of these

things, he will be really at the mercy of the Proverthicar or the Revenue Supervisor. So I placed the matter before Government and they have been pleased to grant this amount.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know whether the acting Tahsildars are without survey qualification?

MR. K. GEORGE (*Land Revenue and Incom Tax Commissioner*): There are some.

MR. K. C. ABRAHAM (*Kottayam II*): Was the Government aware of the fact when the appointments were made?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The appointment had to be made by seniority.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Then how does it happen that a man has been acting in a place without the requisite qualification?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In certain cases men might have been appointed only recently.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Are we to understand then that the Tahsildars are at the mercy of the Provethicars?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In some cases they have to rely on them.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Are we to understand then that the Proverthicars are the real persons who are disposing of survey matters?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Tahsildars have a check over Proverthicars.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Have the powers become extinct now?

MR. K GEORGE (*Land Revenue and Income Tax Commissioner*): No.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then what is the urgency?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I hope the House will accept the fact that we want somebody to act as supervising officers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the demand cannot wait till the next budget session?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): My view on the matter is that it is really high time we get these officers trained in survey. In the first place, it is in the interest of efficiency. I don't think we cannot afford to pay a small sum of Rs. 900. Anyway we are not going to spend anything on salaries. What I propose to do is, to hold survey classes in the Survey Office itself, where the existing Surveyors will conduct the classes.

MR. K. C. ABRAHAM (*Kottayam II*): Was not the need for this knowledge of survey anticipated when the budget was framed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

MR. A. THANU PILLAI (*Trivandrum-Rural*): What is the actual number of candidates that is proposed to be trained?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): 12 to 14.

MR. A. THANU PILLAI (*Trivandrum-Rural*): How many Tahsildars?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There are six Tahsildars and eight Magistrates now who are not trained. We propose to train Magistrates because they are just in the line for promotion as Tahsildars.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the reasons why persons without survey qualifications were appointed as Tahsildars?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): When the acting vacancy came, there was none available with survey qualification. The rule is that a Tahsildar need not be confirmed till he passes the survey examination.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether this could not have been anticipated when the budget for 1110 was framed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Considering the general position of the finances, this matter was dropped at the last budget session.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If no special staff is necessary, may I know, how Government will spend this amount? Is it for acting allowances of Tahsildars?

DEPUTY PRESIDENT: That question need not be answered.

The item was put to the vote of the House and passed.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The third item is for an expenditure of Rs. 1,845 for the printing of 500 copies of the wall map of Travancore for use in schools. The work has to be done in the Survey Department and the expenditure has to be debited in that department, though, no doubt schools will ultimately have to pay. The initial expenditure has to be met by the Survey Department.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I hope this amount will be made up.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes, and more than that.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it obligatory on the part of Government to insist on the Education Department to pay for these maps?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): As a matter of fact, it is an estimate of the Education Department.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is there any guarantee that the Education Department will purchase *all* these maps?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is in consultation with the Education Department this supplementary grant has come up for sanction by Assembly.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In that case, what will become of Brahmanayagom's map?

MR. K. GEORGE (*Land Revenue and Income Tax Commissoner*); It will have to go out of use.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The Member was saying just now that this wall map will fetch over Rs. 2,500. And thereby, will not the department make a profit by this transaction?

MR. K. GEORGE (*Land Revenue and Income Tax Commissione*): It is only a small profit. My estimate will include the cost of printing and mounting. Some amount will have to be spent on paper. Taking all these, I think there will be a small surplus.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So, is the department going to make a small surplus, by asking the Education Department to purchase these maps?

DEPUTY PRESIDENT: That does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know, will a supplementary demand be made for the cost of paper?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*); Paper is to be supplied free of charge.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know why Government should undertake to supply wall maps. Are there not private men?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): For greater accuracy and authoritative information, it is better Government supply maps.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Am I to understand that the maps now in use are not of sufficiently good quality?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I believe my friend Mr. Statham will speak on this subject.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഗവൺമെൻറസ്കൂളുകളുടെ ആവശ്യത്തിനുമാത്രമാണോ ഈ പടങ്ങൾ അച്ചടിക്കുന്നതു്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): എയിഡഡ്സ്കൂളുകളുടെ ആവശ്യത്തിനുംകൂടിയാണു്.

MR. N. E. VARUGHESE (*Tiruvalla I*): തിരുവിതാംകൂറിനു ൨൦൦ പടത്തിന്റെ ആവശ്യമേയുള്ളു.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): ഇത്രയും ചിലവായാൽ പിന്നീടു വേണമെങ്കിൽ അടിക്കാം.

The demand was put to vote and carried.

The grant was made.

XI -ADMINISTRATION OF JUSTICE.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I move for a grant not exceeding Rs. 75 for the appointment of a full-time copyist on Rs. 15 per mensem in the Village Panchayat Court, Attingal, from the 1st Kumbham 1110,

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I rise to a point of order. Is it in order to say by one official member that another member will speak in explanation of some matter? Now the other member did not speak.

DEPUTY PRESIDENT : That point ought to have been raised in time. Now Mr. Kayalam Paramesvaran Pillai is in possession of the House and he did not want anybody else to speak on his behalf.

MR. K. R. ELENKATH (*Kalkulam I*): Mr. George said that Mr. Statham will speak.

DEPUTY PRESIDENT : I expect members will be following what is taking place here.

MR. M. SIVATANU PILLAI (*Tovala*): Sitting as we do here, we could not follow what transpires at the other end.

DEPUTY PRESIDENT : That is really a difficult matter for me to give a satisfactory ruling upon. The Government, if advised, may be moved to have loud speakers.

MR. M. SIVATANU PILLAI (*Tovala*): At least the Chair can ask the official members to speak up.

DEPUTY PRESIDENT : The Chair has been always doing its duty in that respect. The members will speak as loud as they possibly can.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) There is at present only a piece-work copyist and he is not only doing copying work but is also giving some sort of assistance to the clerk, as the clerk is over-worked. Recently the territorial jurisdiction of the Attingal Village Panchayat Court was enlarged by the addition of Attingal, Avanavancherry, Alancode and Keezhattingal *pakuthies* and the work of the court has consequently increased. The Village Panchayat Court recommended to the High Court and the High Court to Government that one full-time copyist on Rs. 15 should be appointed who will not only do copying work but would also give some sort of help to the clerk.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I know whether there are not other Panchayat Courts similarly situated, with increased work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, there are. There are permanent copyist for some of the Village Panchayat Courts such as Kottayam, Changanachery, Tiruvalla, Alleppey, Quilon, Kayanculam and others. For the Attingal Panchayat Court there are no permanent copyists. There is only a piece-work copyist. Owing to increased work by reason of the enlarged territorial jurisdiction of the court, it has been found that there is large volume of scriptory work to be attended to and that consequently a permanent copyist is required, who would also render some assistance to the clerk.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know from the member whether the Government will be able to pay Rs. 15 per mensem for six months if we sanction Rs. 75?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The appointment is only for five months.

The High Court has considered the question and recommended it to the Government and the Government have accepted it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member when the jurisdiction of the court was extended ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) It was enlarged by a notification dated 1st December 1932.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I rise to a point of order. I draw the attention of the Chair to Rule 77 of the Legislative Rules which deal with supplementary demands. Page 51 of the Manual says :—

> "An estimate shall be presented to the Assembly and the Council for a supplementary or additional grant when—
>
> (*a*) the amount voted in the budget of a grant for which the vote of the Legislature is necessary is found to be insufficient for the purpose of the current year, or
>
> (*b*) a need arises during the current year for expenditure for which the vote of the Legislature is necessary upon some new service not contemplated in the budget for that year."

These are the provisions which deal with supplementary demands. Here the Law Member was stating that the jurisdiction of the Attingal Panchayat Court was extended in 1932. In that case this is not a necessity that has arisen during the current year, and this is not an instance where the amount voted by this House was not found to be sufficient for a purpose for which the budget allotments were granted during the last Karkatakam. So I beg to submit that this cannot be brought as a supplementary grant.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This need arose during the course of the year. Although the jurisdiction of the Village Panchayat Court was enlarged some time ago, there was no necessity felt till now for the appointment of a permanent copyist. At the time when the annual budget was prepared, Government did not think it necessary to appoint a permanent copyist and there was no need felt for the service at that time. Now the necessity is felt and so the demand is made as a supplementary demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): When was the necessity felt?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): After the passing of the annual budget. That is enough for the present purpose.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What were the new factors that were brought into existence for the appointment of a permanent copyist?

MR. KAYALAM PARAMEVARAN PILLAI (*Additional Head Sirkar Vakil*): The discovery that the work to be done had increased ?.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was that discovered only after the lapse of two years ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) ; The work was increasing gradually.

MR K R ELENKATH (*Kalkulam I*) : May I know whether the copyist has been appointed from 1st Makaram ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : A point of order has been raised. Can discussion go on without deciding it.

DEPUTY PRESIDENT : Mr. Asan has raised a point of order and it is perfectly right for the Chair to call upon the member to give his explanation. He has given his explanation and in the course of that some non-official members wanted to put questions and they were answered

MR. K. R. ELENKATH (*Kalkulam I*) : I would like to know whether the copyist has been appointed from 1st of Makaram.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Not so far as I am aware.

MR. K. R. ELENKATH (*Kalkulam I*) . Then, how is this amount of Rs. 75 going to be expended ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He is to be appointed from 1st Kumbham 1110 and is to be paid for five months in this year. The salary for Karkatakam will be paid next year.

MR. K. R ELENKATH (*Kalkulam I*) : The member has said that the salary for Karkatakam was to be paid in Chingom. Till Mithunam we have to pay Rs. 75—

DEPUTY PRESIDENT : The member is raising inferences. Does he want any information ?

MR. K. R. ELENKATH (*Kalkulam I*) : Yes;

DEPUTY PRESIDENT : What is the information that he wants ?

MR. K. R. ELENKATH (*Kalkulam I*) : My question is whether in case he has not been appointed from the 1st Makaram it is legitimate for us to sanction an amount for a period for which he has not been appointed ?

DEPUTY PRESIDENT : The question is disallowed.

As regards the point of order raised by Mr. A. S. Damodaran Asan, my ruling is that the discussion is in order.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know from the member whether it is a part of the general policy of Government to extend the local jurisdiction of Village Panchayat Courts ?

DEPUTY PRESIDENT : There is nobody in possession of the House

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am putting the question to the official member.

DEPUTY PRESIDENT ; The official member has sat down.

The demand was passed and the grant was made.

DEMAND XV—MEDICAL.

MR. JAMES SIMPSON : (*Darbar Physician*) : Sir, I rise to ask for a supplementary grant of Rs. 15,000 for improvements to the General

Hospital. I Lope the House would appreciate the amount of work that is carried on during the year to make the present demand necessary. We are dealing on an average with 400 patients with 191 beds. This amount is required for two more wards and an operation theatre. There is a provision of Rs. 350 for the engagement of two nurses and two warders to take effect from 1-7-1110.

Also a provision is made for the creation of a new office for General Medical Stores. The total estimate is for Rs. 15,000 I move the House to grant my demand.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether this difficulty could not lie over ?

MR. JAMES SIMPSON (*Darbar Physician*) : The situation says 'No'.

MR. M. SIVATANU PILLAI (*Tovala*): May I know the reason why it could not lie over ?

MR. JAMES SIMPSON (*Darbar Physician*) ; The daily average number of in-patients is—

Chingam	...	266
Kanni	...	315
Thulam	...	301
Vrischikam	...	346
Dhanu	...	346

and the number of in-patients on 4-6-1110 is 398 and on 5-6-1110 is 404.

MR. S. J. NAIR (*Nedumangad*) : May I know the number?

DEPUTY PRESIDENT : The member has sat down.

MR. N. E. VARUGHESE (*Thiruvalla I*): ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ എതിർക്കുന്നു. ആശുപത്രികളും രോഗികളും ഈ തിരുവനന്തപുരംപട്ടണത്തിൽ മാത്രമല്ല ഉള്ളത്. ഈ സംസ്ഥാനത്തിൽ അനേകം ആശുപത്രികളുണ്ട്. ആശുപത്രികൾവേണമെന്നു ശക്തിയായി ഗവമ്മെൻറിനോട് അപേക്ഷിച്ചുകൊണ്ടിരിക്കുന്ന സ്ഥലങ്ങളും ധാരാളമുണ്ട്. (*Hear, hear*) തിരുവനന്തപുരം ജനറൽ ആശുപത്രി അടുത്തകാലത്തു ഞാൻ പോയി നോക്കിയിട്ടുണ്ട്. ഇവിടെ പല സൌകര്യങ്ങളുംഉണ്ട്. ഉൾനാടുകളിലുള്ള ആശുപത്രികളിൽ പല സ്ഥലങ്ങളിലും രോഗികളിൽ ൧൦൦-ന് ഒന്നുപോലും കിടക്കാൻ സ്ഥലമാകട്ടെ, കിടക്കയാകട്ടെ, മററു സൌകര്യങ്ങളാകട്ടെ യാതൊന്നുമില്ല എന്നു ഈ സഭമുമ്പാകെ പ്രത്യേകം എടുത്തുപറയേണ്ട ആവശ്യമില്ല. തിരുവനന്തപുരം നഗരത്തിൽ താമസിക്കുന്നവർ മാത്രമല്ല മഹാരാജാവുതിരുമനസ്സിലെ പ്രജകൾ. അന്യതാലൂക്കിലുള്ളവർക്കു തിരുവനന്തപുരം ജനറൽആശുപത്രിയിൽവന്നു ചികിത്സിക്ക എന്നുള്ളതും എല്ലാവർക്കും സാദ്ധ്യമല്ല. എൻെറ സ്വന്തം സ്ഥലമായ തിരുവല്ലാതാലൂക്കിൽ പലസ്ഥലത്തു ആ

[Mr. N. E. Varughese.]

ശുപത്രിക്കപേക്ഷയുള്ളതായി എനിക്കറിയാം. ഉള്ള ആശുപത്രികൾ നടത്തുന്നതുതന്നെ വളരെ മോശമായ രീതിയിലാണ്. എനിക്കു നല്ലവണ്ണം അറിയാവുന്ന മല്ലപ്പള്ളി ആശുപത്രികെട്ടിടത്തിലെ ഓലകെട്ടുന്നതുതന്നെ കർക്കടകമാസത്തിലാണ്. ഒരു പ്രാവശ്യം ഞാൻ ആശുപത്രിയിൽ ചെന്നപ്പോൾ അതിനകത്തു കുടപിടിച്ചുകൊണ്ടു നില്ക്കേണ്ടിവന്നു എന്നുള്ള പരമാർത്ഥം ഈ അവസരത്തിൽ പ്രസ്താപിച്ചുകൊള്ളട്ടെ. ഇതിനുംപുറമെ മരുന്നുവേണമെങ്കിൽ ഡാക്കരുടെ ഞീട്ടുംവാങ്ങിക്കൊണ്ടു ൨൦ മൈൽ അകലെയുള്ള ചങ്ങനാശ്ശേരിയിൽചെന്നു വിലകൊടുത്തുവാങ്ങിക്കണം. ഈ ആശുപത്രിക്കു ജനങ്ങൾതന്നെ കെട്ടിടംകെട്ടി സ്ഥലവും കെട്ടിടവും ഗവൺമെൻറിനെ ഏല്പിച്ചിട്ടുള്ളതുമാണ്.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to a point of order. We have to consider here whether this provision is necessary for improvements in the General Hospital.

(Mr. Elenkath was standing when the Deputy President stood up.)

DEPUTY PRESIDENT: When I am on my legs, I expect every member to be in his seat including Mr. Elenkath.

This is a demand for funds being granted for improvements to the General Hospital, to one hospital in the State. The case of other hospitals being mentioned in passing is relevant in deciding the availability of funds for this purpose. Mr. Varughese has only referred to the hospital in his constituency and to that extent he is relevant.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതിനുംപുറമെ ഈ ൨൫,൦൦൦ രൂപ അനുവദിക്കേണ്ടതു് അത്യാവശ്യമായ സംഗതിയാണെന്നു് ഉദ്യോഗസ്ഥമെമ്പരുടെ പ്രസംഗത്തിൽനിന്നും ബോദ്ധ്യമാകുന്നുമില്ല. രാജ്യത്തെ തല്ക്കാലസ്ഥിതിയും മററു ആശുപത്രികളുടെ ഇതിൽപരമായ ആവശ്യങ്ങളെപ്പററി ഗൌനിക്കാതെ ഇരിക്കുന്ന സംഗതിയും വിചാരിക്കുമ്പോൾ ജനറൽആശുപത്രിക്കു് ഈ തുക കിട്ടിയില്ലെങ്കിലും തിരുവനന്തപുരം നിവാസികൾക്കു കഴിഞ്ഞുകൂടാൻ യാതൊരു വിഷമവുമില്ല. അതുകൊണ്ടു് ഈ തുക ഇപ്പോൾ അനുവദിക്കാൻ പാടില്ലെന്നാണു് എൻെറ അഭിപ്രായം.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to support the demand. I think the question whether a provision that is urgent, nay, emergent, in a particular locality can never be taken up seriously if we take it that all local needs should be satisfied before this particular question is taken up. This attitude has been taken by some with regad to the provision of funds not only in the Medical Department but

with regard to a variety of amenities for towns which are enjoyed not merely by the dwellers of the town. So long as it is admitted we have to progress in civilisation as we understand it at present, we have to take it that towns are a necessity and capitals are a necessity and therefore much more provision for towns should be made than for local centres.

The only question I wish to consider is whether the grant asked for is emergent. I had been to the General Hospital yesterday, Sir, and day before yesterday and I invite Honourable members of this House to have a look at the condition at the General Hospital. I saw rows of patients lying on the verandah. Even the most unattended local hospital will not present such a sickening spectacle as you find in the General Hospital. I had been to the Ophthalmic Ward one day and I could not remain there for one minute. It was so sickening. If Mr. Varughese had really gone to the hospital with the intention of understanding the actual state of affairs there, I do not think any man with a heart can say that this amount is not emergent; and this expenditure, it goes without saying, could not have been anticipated. It is one of the most regular demands that ought to be brought under supplementary grants and it is such demands that the House should pass without the least objection. I support it with all the emphasis I can command.

MR. S. J. NAIR (*Nedumangad*) : Sir, I oppose the motion. I fully sympathise with the Darbar Physician as well as with other members of the House who have borne testimony to the sorrowful spectacle of the state of the patients of the General Hospital who are lying in the verandah in the absence of proper beds and accommodation. It is true. I myself have witnessed it and I feel pity for them. But the remedy for this does not lie here. If the existing condition of the congestion in the General Hospital is to be removed, it should be by constructing additional buildings. This construction of new buildings could well be avoided. Sir, the reasons for the migration of patients from the mofussil places to the city are mainly two. The first is due to the indifference of the head of the Medical Dedartment as well as the Government's policy not to give dispensaries to mofussil places when the people in those places make a demand for it, even though the Government realise the difficulties on the part of those people who incessantly make the demand. The second reason is due to the indifference—I cannot say what it is otherwise - on the part of the medical authorities in the matter of supplying medicine in time to the dispensaries in the mofussil parts. I myself have brought to the notice of the Darbar Physician once that in the District Dispensary at Vamanapuram there is serious shortage of medicine and that patients are undergoing serious difficulties.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Is it not due to expert surgeons and physicians being in the General Hospital that people from mofussil places come here?

MR. S. J. NAIR (*Nedumangad*) : I shall come to that point also, Sir, in order to look to the convenience of the Heads of Departments and other rich people who are enjoying the city life in Trivandrum, the

[Mr. S. J. Nair.]

expert medical officers are permanently retained in the General Hospital as well as in the Women and Children's Hospital in the city. These experts have also to be sent to the mofussil.

MR. JAMES SIMPSON (*Darbar Physician*): Is it possible to send up the radiologist to the Vamanapuram dispensary?

MR. S. J. NAIR (*Nedumangad*): That is what I submit, Sir. (*Laughter*).

MR M. SIVATANU PILLAI (*Tovala*): May I know from the member whether he is aware that there is a very expert radiologist in the Neyyoor Hosqital?

MR. S. J. NAIR (*Nedumangad*): I am aware.

MR. M. SIVATANU PILLAI (*Tovala*): Does the member take it that the radiologist could be transferred without any difficulty?

MR. S. J. NAIR (*Nedumangad*): It is not a surprise to me, Sir. As my friend suggested, there is no difficulty in exporting or transporting this radio apparatus to the other parts of the country. The medical officer can transport that apparatus through motor lorries for the use of those patients in mofussil parts.

MR. JAMES SIMPSON (*Darbar Physician*): How can we get electric current there?

MR. S. J. NAIR (*Nedumangad*): For that, I think, the Darbar Physician will have to apply through the Electric Department for the working of the machinery. Else the machinery could be worked by oil and petrol. Electricity is not indispensable in working up the machinery. It is necessary therefore that in mofussil places for the convenience of the poor suffering people proper medical officers should be deputed and above all medicines should be sent to those dispensaries as well as hospitals to be given to the patients who attend such dispensaries and hospitals.

As to the working of the department, I can say, and I know personally, that the Medical Department is not supplying medicines to the dispensaries as well as hospitals in mofussil parts. I know instances in which a popular and efficient medical officer had to prepare *Kashayams*.

DEPUTY PRESIDENT: The member is travelling far beyond.

MR. S. J. NAIR (*Nedumangad*): Because medicines were not supplied in time, the medical officer, in order to save the life of ever so many poor and helpless patients attending the dispensary at Vamanapuram, had to prepare *Kashayams* for supplying to the patients who were under his treatment because he knew something of Ayurveda treatment also, along with his knowledge of allopathy.

There is another point also. In my own taluk there was one dispensary at Vithura and there was a full-time medical officer in that dispensary. That full-time system in the dispensary was abolished and

one medical officer is now asked to attend to two dispensaries, namely, one at Palode and the other at Vithura, the distance between these two being about 18 miles. An additional salary or something as compensation or allowance amounting to Rs. 30 is given to that Palode medical officer for the purpose. If Rs. 20 also is allotted and spent by Government or by the department, I am sure that a separate medical officer could be appointed at Vithura and the Vithura dispensary made more useful. This the department is not doing.

MR. K. M. KRISHNAN (*Ambalapuzha II*): സർ, ഞാൻ ഈ ഡിമാൻറിനെ എതൃക്കുകയാണു ചെയ്യുന്നത്. ഇതോടുകൂടി എനിക്ക് ഒരു സംഗതിയാണ് ഈ സഭയുടെ മുമ്പാകെ കൊണ്ടുവരുവാനുള്ളത്. അതായത് ആലപ്പുഴ പട്ടണത്തെപ്പോലെ പ്രാധാന്യമേറിയ ഒരു പട്ടണം തിരുവിതാംകൂറിൽ ഇല്ലെന്നുള്ളത് ഇവിടെ പ്രത്യേകമായി പറയേണ്ട ആവശ്യമില്ല. സ്ത്രീകൾക്കും കുഞ്ഞുങ്ങൾക്കുമായി ഒരു ആശുപത്രി ആലപ്പുഴ സ്ഥാപിക്കണമെന്നു വളരെകാലംമുമ്പ് ഗവൺമെൻറിനോട് അഭ്യർത്ഥിക്കയും ഈ സഭയിൽ വാദിക്കയും ചെയ്തിട്ടുള്ളതാണ്. ആലപ്പുഴ ടൌണിൽ ൭൦,൦൦൦-ൽ അധികം ജനങ്ങൾ താമസിക്കുന്നുണ്ട്. സ്ത്രീകളിൽ അധികവും ഘോഷാസ്ത്രീകളുമാണ്. ഇങ്ങനെയുള്ള ഒരു സ്ഥലത്ത് സ്ത്രീകൾക്കു പ്രത്യേകമായ ഒരാശുപത്രി വേണമെന്നുള്ളത് ഏററവും ന്യായമായ ഒരു സംഗതിയാകുന്നു.

DEPUTY PRESIDENT: I cannot allow elaborate discussion on local needs.

MR. K. M. KRISHNAN (*Ambalapuzha II*): ഇങ്ങനെയുള്ള കാര്യങ്ങൾകൂടി നിർവഹിക്കാതെ തലസ്ഥാനമാണെങ്കിലും തിരുവനന്തപുരം പട്ടണത്തിൽമാത്രം കൂടുതൽതുക ചിലവാക്കണമെന്നുള്ള അപേക്ഷയെ അനുകൂലിക്കാൻ നിവൃത്തിയില്ല. ഉൾപ്രദേശങ്ങളിൽ വേണ്ട കാര്യങ്ങളിൽകൂടി കൂടുതൽ പണം ചിലവാക്കേണ്ടതാണ്.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I support the motion; and in doing so, I would urge on the members of the House to observe that in spirit there was no opposition to the demand. All those who opposed the motion did see eye to eye with the Darbar Physician or the supporters of the demand that there was necessity for this money being spent for the improvement of the General Hospital. Their only complaint was that in mofussil parts to which they belonged the interest of the people whom they represented had not been cared for. Sir, it would be wrong in spirit to oppose the grant for the improvement of any institution belonging to a particular place for the mere reason that the Government have not been able to supply all the demands of another locality.

[Mr. K. R. Elenkath.]

Now, Sir, the figures that have been supplied to us by the Darbar Physician show that from month to month there has been recently steady increase in the number of in-patients in the General Hospital. That testifies to the general popularity which the General Hospital has been recently enjoying.

MR. S. J. NAIR (*Nedumangad*): Is the member aware that very many patients huddle up together in the General Hospital for the reason that there are very few dispensaries in convenient mofussil places and because of shortage of medicine in those places?

DEPUTY PRESIDENT: You need not answer that question, Mr. Elenkath.

MR. K. R. ELENKATH (*Kolkulam I*): My only point in supporting the motion is that this is an urgent need which every one in this House feels and against which none has spoken a word; and unless we are convinced that this might wait till the budget session next year, I cannot but support the motion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, I wish to make a few observations upon this demand. In itself, there cannot be any doubt that the demand is reasonable; but the question is whether it is just. That is to say, in view of the demands for medical assistance in various parts of the State, is the Government justified in turning a deaf year to such demands and concentrating attention in directions particularly attractive to the Darbar Physician?

Turning to the interpellations sent in to be answered in this session of the Assembly, I see that three of the members hailing from the north, *viz.*, Messrs Krishna Menon, Alexander and Mahomed, have pressed forcibly the need for hospitals and medical assistance at Edappalli, Alwaye and other places. Mr. S J. Nair is very vehement on the need for medical assistance in his own taluk. In fact, at each sitting of the Assembly we have been listening to this cry from various parts of the State. Mr. Varughese has been urging the need for improving the hospital in his constituency. In view of such persistent demand for medical assistance in various parts of the State, no matter what the Darbar Physician does, that the Government should continue irresponsive to such demands is sufficient justification to disallow what is claimed for the institution under the nose of the Government in the capital.

Such demands I should consider to be not just. That is the point of the attack. In itself, as I said the demand in question is quite reasonable. A hospital of the description like the General Hospital in Trivandrum must necessarily have all up-to-date appliances, must afford sufficient accommodation to the in-patients and must be ready to meet the needs of the out-patients. No doubt about that. It is quite natural, however, that the representatives of the people may feel that an invidious distinction is being shown by the Government in the matter of medical assistance and hence opposition to the demand is in order.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the majority of the patients in the General Hospital come from mofussil places?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I do not know. I am in the dark about it. There may be very complicated cases in which patients have been admitted to the Trivandrum General Hospital.

Well, Sir, in such circumstances I do not know how to make up my mind to vote upon the motion. The Darbar Physician resides in Trivandrum and he feels the needs of the hospital here. But other people are equally alive to their requirements and if the Government would go on like this paying no attention to other parts of the State, then even the most reasonable demand will meet with a refusal whether reasonable or unreasonable. That is all I have to say.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I rise to support this demand. I concede that there is great force in the contention that the requirements of other parts of the State are not sufficiently attended to. But it is admitted on all hands that this demand is for a necessary purpose and the only objection now put forward is that similar demands from other parts of the State are not heeded. I am unable to see the force of this contention especially in view of the fact that we are a body that can only refuse a demand that is made by the Government and have no power to allot funds for any purpose on our own initiative. If we had that power, we could probably have considered the needs of all parts of the State and allotted funds for meeting those needs in the order of their urgency and importance. But that is not the position. Therefore when the Government come forward with a proposal to incur expenditure on account of medical aid which is necessary, we ought to sanction it. So I am strongly in favour of this demand. Then again the Trivandrum hospital deserves special treatment. As has been pointed out, it is not a hospital for the people of Trivandrum alone. It is practically for the whole State. It is not the permanent residents of the town alone that resort to this hospital. Students, Government servants and other people coming from all over the State on business or otherwise stay in Trivandrum and take advantage of the existence of this hospital. Further, since this is the best-equipped hospital in the State, patients from all parts of the State resort to it.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the lives of students and officers are more valuable than the lives of poor agriculturists in mofussil places?

DEPUTY PRESIDENT: That question need not be answered.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I do not think I need say anything more on this motion and I hope the House will grant the demand.

MR. JAMES SIMPSON (*Darbar Physician*): Well, I have to thank the non-official members for the support they have givan me for this demand. The chief criticism has been that the General Hospital is being attended to to the exclusion of the mofussil· This demand I consider is a specific demand asked for an emergent purpose. The figures I have given you show that the condition is serious; and owing to the fact that 191 beds have to suffice for 400 patients, I considered the situation urgent. To send experts to mofussil places as suggested by Mr. S. J. Nair is unreasonable. I hope the members will unanimously grant this demand.

MR. T. P. VELAYUDHAN PIALLI (*Tiruvalla III*): May I know from the member the reason for the steady increaae in the number of patients?

MR. JAMES SIMPSON (*Darbar Physician*): I cannot state exactly. But the division of the surgical wards and placing each of these two wards under the charge of an expert surgeon—

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any hospital in the State in which the need is as keenly felt as in the General Hospital?

MR. JAMES SIMPSON (*Darbar Physician*); I do not think.

DEPUTY PRESIDENT: Before I put the motion to the vote of the House, I wish to make a few observations. I shall be very brief. Some of the non-official members, while acknowledging the justice of the claims, would with hold their support because other hospitals in other parts of the State are not sufficiently well provided. Mr. Kunjukrishna Pillai has made a pathetic appeal. I wish to associate with him and with others who spoke from personal knowledge in their description of the condition of the General Hospital. I want to add one more voice to that volume of testimony. If you have any tears you will shed them to see the large number of people suffering from various diseases huddled together like cattle in the verandahs. So when His Highness the Maharaja's Government is trying to help the poor suffering people, it is not proper to withhold that assistance in any manner. I wish to say one word about experts being provided for in all mofussil hospitals and dispensaries. It is impossible for any Government to keep a very large number of experts in all subjects. If you want every school to be made a college and in every school economics and chemistry should be taught, that will be clearly impossible· Nor can you have eminent surgeons and eminenet physicians in all hospitals. As the name goes, there is only one General Hospital in Travancore and it functions for the benefit of the whole State. I do not want to make a longer speech; but I wish to impress upon the House that the proposal made by the Government is a very important one and merits a careful consideration.

Now I put the motion to the vote of the House.

The motion was put to the vote of the House and carried.

The demand was granted.

DEMAND XVII—PUBLIC HEALTH AND SANITATION.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I move for a grant of Rs. 200 under Demand XVII—Public Health and Sanitation. This small amount is intended as the pay of the Entomological Assistant proposed to be entertained in the Public Health Laboratory for two months towards the end of this year. Honourable members know that the Public Health Laboratory was till recently under the charge of an expert Entomologist whose services were lent to this Government by the Government of Bengal. That gentleman, after submitting his report on the investigations he conducted, has severed his connection. The work he started has not been completed and ought to be continued, for which a substitute has to be appointed. Government could have, if they wanted, retained his services for a longer period. But in consideration of the high salary he was drawing, Government decided to terminate his services and revert him to his substantive appointment in Bengal and to appoint a less paid officer in his place to carry on the work that he started. Government have accordingly selected a Zoology M. A. with Honours and have promised to appoint him as Entomological Assistant on condition that he would get himself trained in the Laboratory Technique for three months in the Institute at Kasauli and for a month in Bombay. The training is to be undertaken at his own cost. When he returns, Government will appoint him as Entomological Assistant on a pay of Rs. 100 rising to Rs. 175. The minimum pay is Rs. 100 and he may have to be entertained from the beginning of Edavam. For Edavam and Mithunam he has to be paid Rs. 200. It is for this purpose that the Government have come to the House with this demand of Rs. 200.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is there anybody in charge of this work now?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is somebody there who simply keeps things going. He does not do any work. He will not be able to continue the work which Mr. M. O. T. Aiyangar started. The laboratory is there and the young man attends to the cleaning of the apparatus and other valuable articles in the institution.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is the new man appointed expected to carry on the work that has been started and finished by Mr. Aiyangar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*); Mr. M. O. T. Aiyangar started and finished certain investigations and sent his report to Government. But the Government feel that there are more diseases to be investigated and they want a young Zoology graduate, rather an M. A., to be trained in the work he is expected to carry on and which Mr. Aiyangar left unfinished.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I take it that the Government have already fixed upon the individual and may I know his name?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Mr. G. T. George M. A.

MR. S. J. NAIR (*Nedumangad*): May I know whether he is a Travancorean or an outsider?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He is a Travancorean.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) May I know whether the young man has any practical experience in Entomology?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. He is a Zoology M. A., and has had practical experience in Entomology also. But he must get some practical training in the methods to be followed in the Public Health Laboratory. That training he would get in the institutes at Kasauli and Bombay.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether this contingency was thought of by Government earlier?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Government did not want to retain Mr. Aiyangar's services any longer There was a persistent demand from this House to send him away, and so they terminated his services and decided to appoint a lesser paid officer.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether there were any applications for the post?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There was a number of applications.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala* I): May I know the year he passed his M. A.?

RAO SAHIB DR N. KUNJAN PILLAI (*Chief Secretary to Government*): I have not got the information.

DEPUTY PRESIDENT: I wish to say a few words on the present discussion. The name of a man to be appointed may not always be kept a secret, but it should not be the subject of a great discussion. I remember to have read in the books that, when the name of Lord Cornwallis was mentioned as a successor to Warren Hastings during a heated discussion in Parliament, it was silenced. But this was taken to be a bad precedent. Members are certainly in order if they asked for qualifications of candidates whether one is a Travancorean or a non-Travancorean, whether he has got any training or not. But when names are asked, it will create unnecessary difficulties and complications. Moreover the Chief Secretary said when a question was put to him by a member, that it is only after the grant is made that the appointment will be made. Here is a case where the Government have not fixed its mind. However, it is my desire, and that is I am giving expression to, that personal equation need not count very much.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know who advised the Government to decide that the training required was two months or three months?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Deputy Director of Public Health.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know under whose advice Government decided that a candidate for the post must be a Zoology graduate and may I know whether the present Assistant is not competent for the post?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Deputy Director of Public Health made the recommendation that a Zoology graduate must be got trained for this post. The present Assistant is the laboratory is a Botony graduate and not a Zoology graduate.

MR. EDAVANATT S. PADMANABHA MENON (*Shertalai I*): Are we to understand that during the time of Mr. M. O. T. Aiyangar no attempt was made by Government to train a man for the service under him?

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): Some low-paid subordinates worked under him and gained some experience; but they are not competent to carry out original investigations like Mr. M. O. T. Aiyangar. He has not trained anybody to succeed him in that work.

MR. PUTHUPALII S. KRISHNA PILLAI (*Quilon II*): May I know whether Mr. M. O. T. Aiyangar has not done all the important investigations necessary?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He only investigated, I believe, Filaria and Malaria. There are ever so many other diseases caused by insects. There is a good deal of work to be done in respect of such diseases. It is some months since Mr. Aiyangar left Travancore and no work has been done in the laboratory since then. If a man is to be sent for training only after six months, so much time will be wasted unnecessarily. I don't see why we should wait for another six months. It is only a question of providing Rs. 200. Why not allow the young man to go for training immediately?

MR. EDAVANATT S. PADMANABHA MENON (*Shertalai I*): May I know whether three months is sufficient for the purpose?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is the view of the Deputy Director of Public Health.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether the mosquitoes in Trivandrum are not on the increase?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No; they are decreasing.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why the Chief Secretary said that the demand was emergent because Mr. Aiyangar left the Laboratory?

DEPUTY PRESIDENT : The Chief Secretary said that the investigation was complete only on Malaria and Filaria but that with regard to other things more work is to be done.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I take it that the Government have agreed to appoint him if he comes qualified from the Institute within the time and may I know why such an agreement was entered into ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Without such an agreement he will not be anxious to go for training.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : May I know whether there is not any other application from any other young man who could wait till the budget session to be sent for the training? May I know further why this demand cannot be held over till the next session of the Assembly ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I have already answered that question. Already some months have elapsed, and if we are going to wait for another six months so much time more will be lost. Mr. Aiyangar left some months ago and nothing has been done since then. I don't see why we should lose time unnecessarily. After all the demand is only for Rs. 200.

DEPUTY PRESIDENT : Is there any opposition ?

The motion was passed and the grant was made.

DEMAND XXIV.—STATIONERY AND PRINTING.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I move for a grant of Rs. 11,200 under Demand XXIV—Stationery and Printing. This is quite a simple matter. In the budget of 1109, Government provided funds to the extent of Rs. 17,425 for the purchase of 4 printing machines for the Government Press. The provision was made in the budget, the machines were ordered, and it was expected that the machines would arrive before the end of the year so that payment could be made before the year closed. Unfortunately it so happened that, out of the four machines ordered, only one arrived before the close of the year and payment could be made only for that one machine. The other three have arrived since then. It was expected that the machines would arrive before the end of 1109 so that they could be paid for from the allotment for that year and so no provision was made in the budget for the current year. But contrary to our expectations, the machines arrived only this year, and we have to make payment for them. The amount required is Rs. 16,200. But the Superintendent, Government Press, has kindly agreed to forego, from an allotment provided in the budget for the purchase of types and other things, an amount of Rs. 5,000. The additional allotment required therefore is only Rs. 11,200, and I hope that the House will pass this demand.

MR. S. J. NAIR (*Nedumangad*) : I oppose the demand. The Chief Secretary, when he made the demand, said that it was a simple matter. Evidently he thinks that Rs. 11,200 is a small amount.

Sir, the policy, pursued by Government in the matter of the administration of the Stationery and Printing Department, is not at all satisfactory. The present Superintendent of the Government Press, Mr. Nilakanta Pillai, is a very able and conscientious officer.

DEPUTY PRESIDENT : All that does not arise. The motion is in regard to the purchase of machines for the Press. So, unless Mr. S. J. Nair says that Mr. Nilakanta Pillai can get on with his work without these machines, his observations are irrelevant.

MR. S. J. NAIR (*Nedumangad*) : Sir, the relevancy of my observations comes in like this. When the Government intend purchasing printing machines for Rs. 10,000 or Rs. 11,000, they should not think of importing an outsider to supervise the working of the Press disregarding and ignoring the claims and ability of the present Superintendent to be the Controller of the Stationery and Printing Department.

DEPUTY PRESIDENT : All that, I say, is irrelevant.

MR. S. J. NAIR (*Nedumangad*) : Sir, anyhow, in the face of the reasons advanced by the Chief Secretary, if at all our money is to be spent, it must be spent for the benefit and encouragement of our people and the good of the country and not that of outsiders. I therefore oppose the demand.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Sir, the member has been speaking mainly about the importation of an outsider to control the Press and the Stationery Department. So far as I know, Government have not decided anything about that.

DEPUTY PRESIDENT : I have ruled it out.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What became of the funds provided for this purpose in the budget for 1109 ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The amount lapsed.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : What was done with that money? Who took it? (*Laughter.*) Could not the Financial Secretary know then that these machines would be coming in 1110? If so, why did he not make a provision for the amount in the budget for the current year?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : As a matter of fact, till the very end of the year 1109, even on the 31st or the 32nd of Karkatakam, we were expecting the machines. The Superintendent of the Government Press had even asked for permission to draw the money from the Treasury in advance to be kept by him till the machines arrived, just to prevent the amount lapsing. But the Financial Secretary said that that would be very irregular, and he did not allow it. When the budget for 1110 was under preparation, and even when the budget was being considered by this House, we did not know that the machines would not arrive before the end of 1109 and that the amount provided in the budget for the year would lapse. That is the position.

MR. S. J. NAIR (*Nedumangad*): In view of the explanation given by the Chief Secretary, I withdraw my opposition. (*Laughter.*)

The demand was put to vote and carried.

The grant was made.

DEMAND XXV—CO-OPERATIVE DEPARTMENT.

MR. M. GOVINDA PILLAI (*Registrar of Co-operative Societies*): Sir, I move for a grant not exceeding Rs. 2,065 for meeting the expenditure on the Co-operative Enquiry Committee. The amount is required for meeting the claims for arrears of T.A. for the non-official members of the Committee as well as for the payment of T. A. and pay of the establishment of the Committee, and also for some items of contingent expenditure.

The demand was put to vote and carried, and the grant was made.

DEMAND XXVII—MISCELLANEOUS CHARGES.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I move for a grant not exceeding Rs. 9,600 under Demand XXVII—Miscellaneous Charges.

This amount is intended for payment, to the publisher, for Volume VII of the Travancore Regulations and Proclamations and the supplement to that volume. Honourable members are aware of the fact that the first six volumes of the Regulations and Proclamations were published some years back. Government felt the necessity of bringing out a subsequent volume to make the literature up-to-date. One of the two publishers of the first six volumes has agreed to publish the seventh volume and its supplement. Government have accepted his offer and he has now brought out the seventh volume and the supplement. The supplement contains all the amended Rules and Notifications under the Regulations included in the first six volumes since their publication. The series has accordingly been brought up-to date. And, what is more, the publisher has added, at the end of the supplement, a very useful index to the whole set of seven volumes. I am sure my lawyer friends will recognise the usefulness of these books, and the value of the index, with the help of which, you can in a moment lay your finger on any point you want to get at.

Sir, the main condition under which the right of publishing the first six volumes was granted to the publishers was that Government would purchase 800 copies of each volume at an average price of Rs. 10 per copy. Of course, the number of pages in different volumes varies. In the first volume there are 1,031 pages; in the second, 1,496 pages; in the third 1,312 pages; in the fourth 1,420 pages; in the fifth, 1,114 pages and in the sixth 1,549 pages. That is really the biggest of the six volumes. The seventh volume contains 1,241 pages; and the supplement contains 635 pages.

MR. S. J. NAIR (*Nedumangad*): May I ask whether copies of these books will be supplied to the members of the Legislature? (*Laughter.*)

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think so, Sir. The first six volumes were not supplied to the members. If they are to be supplied, Government will have to pay for about 120 sets more and the demand will have to be increased proportionately.

MR. S. J. NAIR (*Nedumangad*): Do the Government realise that these books will be very useful for the members of the Legislature?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Certainly they will be very very useful, particularly to the lawyer members.

Sir, in view of the fact that the seventh volume and its supplement together contain about 1,870 pages, Government fixed a price of Rs. 12 per set of the seventh volume and its supplement together. And, under the agreement, Government have to purchase 800 sets of these volumes.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Why do the Government require 800 copies?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): For distribution to the various offices.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): What are those offices?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have a long list before me. I find that, out of the 802 copies of the first six volumes that were purchased, there are now only about 24 sets kept in the Records. The other copies were all distributed.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): What is the principle on which the distribution list has been prepared?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): All the Heads of Departments, Secretaries, Assistant Secretaries, in fact, all important offices have been supplied with the books. These books are indispensable as reference books.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What will be the probable cost of printing a volume, if it is done in the Government Press? Did the Government consider that before fixing the price?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government did consider it. The Superintendent of the Government Press estimated the cost of stationery and printing for the first volume of 1031 pages at Rs. 3-12 as. As I have already said, the seventh volume and its supplement together contain 1,876 pages and the cost of stationery and printing will be proportionately more.

[Rao Sahib Dr. N. Kunjan Pillai.]

Sir, the price of a publication cannot be fixed merely on the basis of the cost of the paper and the charge for printing it. I shall read out the orders passed on this matter by the then Dewan, the late Mr. Watts, when he decided the price of the first six volumes.

> "There is no comparison between the last edition—which was a mere compilation—and the new edition, which is a critical commentary and digest. In manner of presentation, 'display' and general get-up too, the new work far surpasses the old. The present editors and publishers have set a standard. And I quite agree with the Chief Secretary that the sale price of such a work cannot be judged solely or even primarily by the cost of mechanical production—paper, setting-up, printing and binding. Value is determined not in the Press alone but also—often mainly—in the author's sanctum and the Editorial room. I do not think a volume like the one before me would be priced in England under 30 shillings. On the whole, I think Rs. 10 is a fair price."

Sir, that explains the basis on which the price was fixed.

MR. S. J. NAIR (*Nedumangad*): May I ask whether the extract just now read out may be taken, more or less, as a certificate given by the then Dewan to the publisher?

DEPUTY PRESIDENT: It is a matter of opinion.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is the order passed by the then Dewan. I read it out from the file.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): The cost per volume would be only Rs. 3-12 as. Therefore—

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is for the first volume which contains only 1,031 pages or so.

MR CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): What would be the average cost per volume, and the average profit, made by the publisher per volume?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That can be calculated.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): There is the cost of binding also. The sum of Rs. 3-12 as. represents only the cost of stationery and printing.

MR. PACODE A NARAYANA PILLAI (*Vilavankod*): Is the publisher a trained lawyer?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The two publishers who published the first six volumes were not trained lawyers. Still every one will agree that those volumes are very useful publications, especially to lawyers.

MR. A. THANU PILLAI (*Trivandrum-Rural*): To enable us to judge the worth of the publications, is it not necessary that we are supplied with copies of the books? Now we have to rely on what the Chief Secretary says. We would be in a better position if a copy is sent to each one of us.

DEPUTY PRESIDENT: Does the member think that he will be in a better position to discuss the question if he was supplied with a copy?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Certainly, I would have been in a much better position. Anyhow, I wish to get a better idea of the justification for purchasing 800 copies.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As I said, Sir, I have got a list showing the distribution of the 800 copies of the first six volumes.

DEPUTY PRESIDENT: Was there any agreement by Government with the authors that 800 copies will be purchased?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Certainly, there is an agreement. Government have agreed to purchase 800 copies and they have also agreed to pay at the rate of Rs. 12 per set of Volume VII and Supplement.

MR. A. THANU PILLAI (*Trivandrum-Rural*): It is an agreement independent of the Legislature and I wish to know what justification there is for purchasing these 800 copies.

RAO SAHIB DR. N. KUNJAN PILLAI: (*Chief Secretary to Government*): Government followed the practice in the past. They agreed to the terms which are exactly the same as those stipulated for the first six volumes.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member whether last time the Government did not come to this House and say that they had already entered into an agreement and that the money should be voted? Was it not the position then also or did they take the opinion of the House before they entered into the agreement?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, the amount was paid out of the budget grant. The budget was discussed by this House and passed. Government therefore took it that this House would certainly grant the money for the purchase of the seventh volume also because the conditions were the same in both cases.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I take it that the member does not put forward as an argument or reason the fact that they have already entered into an agreement? May I take it that he expects the members of this House to consider this matter thoroughly independent of the fact that Government have entered into an agreement?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The House can decide this question on its merits. I have only answered a question from the Chair whether Government have not entered into an agreement to purchase 800 copies.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I have a better idea of the necessity for these 800 copies?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, I said I have got a list showing the distribution.

MR. A. THANU PILLAI *(Trivandrum-Rural)*: The list may be read.

DEPUTY PRESIDENT : I cannot permit the Chief Secretary to read the whole list.

MR. A. THANU PILLAI *(Trivandrum—Rural)* : It may be read like this—all the Police Inspectors, all the Sub-Registrars.

RAO SAHIB DR. N KUNJAN PILLAI *(Chief Secretary to Government)*:

Palace.
Dewan.
Private Secretary to the Dewan.
Agent to the Governor-General.
Assistant Agents.
Chief Secretary.
Secretaries to Government.
Assistant Secretaries.
Head Translator.
All Sections of the Secretariat.
Council Library
Press Room.
English Records.
Cochin State.
Dewan of Pudukotta.
Colonial Secretary, Ceylon.
Collector of Malabar.
Advocate-General, Madras.
High Court.
District Courts.
Second Judges' Courts.
Munsiff's Courts.
Village Panchayat Courts.
District Magistrate's Courts.
Division First Class Magistrate's Courts.
First Class Magistrate, Peermade.
Munsiff-Magistrates.
Second Class Magistrates.
Bench Magistrates' Courts.

MR. A. THANU PILLAI *(Trivandrum—Rural)* : It may not be more than a hundred.

RAO SAHIB DR. N. KUNJAN PILLAI *(Chief Secretary to Government)* : Does the member want me to read the whole list ?

DEPUTY PRESIDENT : The whole list cannot be read out because it will not be furthering the discussion and it will be absolutely of no profit to the House. The time of the House is valuable.

MR. S. J. NAIR *(Nedumangad)* : Sir, I oppose the motion. It is true that the seventh volume of the Regulations and Proclamations must be published. An agreement has been executed behind us, over us and above us, without consulting us and an independent and irresponsible transaction took place between the Government and a private

party, and now in order to rectify that mistake and ratify that transaction, the Government approaching this House is quite an extraordinary and queer procedure. Further, from the names of the few persons or bodies that were just now read out by the Chief Secretary—I mean those persons who have been benefited by the presents as a result of the purchase of these law books – I find names of gentlemen like the Dewan of Pudukotta and some others. I cannot understand the rhyme or reason why, at the cost of the State exchequer, law books must be purchased and as complimentary things they must be presented to outsiders. If the Dewans of other States require our Regulations and Proclamations, their Governments or they themselves out of their own pocket money could very well purchase them.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : We get theirs in exchange, Sir.

DEPUTY PRESIDENT : The Chief Secretary has said that the Travancore Government get such books in exchange from other States and I wish that Mr. S. J. Nair will not press that point because the proceedings of this House will be read outside and it would not be taken as a compliment that this House should take this view.

MR. S. J. NAIR (*Nedumangad*) : From the names of the persons which have been read out, I find there are names of persons who are not in a position to exchange anything so far as their State and this State are concerned. There are private individuals. There are individuals who have no *locus standi* in any State.

DEPUTY PRESIDENT : All that is not necessary, Mr. S. J. Nair.

MR. S. J. NAIR (*Nedumangad*) : It may be unnecessary. What I wish to submit is that this demand is quite unnecessary.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the member whether the Tahsildar or the Munsiff in Nedumangad is supplied with a copy of the Regulations and Proclamations?

MR. S. J. NAIR (*Nedumangad*) : Let them take care of themselves. It is not our business to supply them with copies of Regulations and Proclamations. We are just now concerned otherwise. Our business is to see whether this amount should be granted or not under the existing circumstances. What I submit is this. There are lawyer members and there are non-lawyer members in this House; and when bills and regulations come up for discussion in this House, the copies of the new edition of the Regulations and Proclamations are indispensable and I am sorry that the Government have not seen their way to supply copies of these Regulations and Proclamations to us the members of the Legislature for reference and study. At the same time they go on distributing these books to sundry persons outside the State after purchasing them from private agencies at the expense of the people of the State. So, in the face of the statement that has been made by the Chief Secretary, in the face of a portion of the list that has been read out by him for our information, for the reason that no copy is supplied to the members of the Legislature and also for the valid and all-important and additional reason that the agreement has been entered into by the Government and a private party, independent of the House, I oppose the motion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Sir, I wish to add a few words. I was listening to the learned official member to ascertain how Government decided to offer Rs. 12 for this volume. In answer to a question put by me, the learned member read out to us an order passed by the late Dewan Mr. Watts, and pointed out how the Government happened to offer this disproportionately high price for the seventh volume. There was a reason for passing that order. If only some person who was responsible for fixing the price for this book had looked into Volumes I to VI, he could have found what made Mr. Watts pass that order. By way of illustration, I may say that, even though the first volume covers only one thousand and odd pages, it contains an important Regulation, the Criminal Procedure Code. That is one of the oldest Regulations in force and we have got a large number of decisions bearing thereon and those decisions have all been referred to in that volume. Wherever they have been dissented from or overruled, such facts have been noted and small comments of the authors themselves have been offered. The same is the case with Volumes. II to VI. The sixth volume contains the Civil Procedure Code. All the decisions bearing thereon are referred to and commented upon there. Therefore there is great justification in what Mr. Watts has said.

Now, let us look at Vol. VII. Who has got property in the matter contained in this volume? The Government. We have passed a few Regulations during 1108 and 1109. The whole volume is nothing but a reprint of these.

DEPUTY PRESIDENT: Has the Government got a right of property in laws?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In order that it may be an authentic publication, Government sanction is necessary. If Government would not permit any other to print these Regulations, they themselves could print them. Do we require the services of a private person to get all the Regulations passed by us printed when as a matter of fact they are all being printed in the Government Press regularly and obtained for sale; when all these Regulations are available for sale in the Government Press, what we have to do is to spend about 5 chs. for stitching the loose copies and an additional two chs. for neatly binding them. Where is the labour, where is the work that has been done on these legislative enactments which, on the basis of the calculation made by the learned official member, would compel Government to pay an additional sum of Rs. 6. All that are contained in Volume VII are Government notifications, the text of the few Regulations passed by this House, and probably the speeches of some Honourable members. No special knowledge or skill is necessary for doing this work. Still Government say that they have agreed to pay at the rate of Rs. 12 a copy. If the Government had not bargained for the purchase of these books at this exorbitant rate I am quite sure the public at least would not have been put to the painful necessity of paying such a heavy price for this volume. Government are, as it were, the advertisers of the gentleman; and when I was listening to the very

able and lucid speech delivered by the Honourable member, I thought the author of this volume has got the best representative for the sale of his books. I am quite sure, Sir, I am not in any position to say why Government agreed to pay Rs. 12 for a copy of the seventh volume. If somebody had only looked into the volume and studied it critically before fixing the price it would have been discovered that Mr. Watts's order would not apply. Where is the editor's and commentator's work here? Is there any work here except that of the printer? The Government are doing the public a disservice in two respects, one by asking us to vote for this grant and the other by compelling those who want to go in for this volume to pay a heavy price, I would therefore oppose the demand.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I inform the member that even the ordinary commission rates allowed by publishers are not taken advantage of by the Government?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is also another thing. Government do not look at these transactions from a commercial point of view. When Government go in for the purchase of books from private individuals they must bargain just in the same way we ourselves would do. I can quite understand the decision of Government in regard to Volumes I to VI but not their decision in regard to Volume VII. The first six volumes require labour, expert skill. I concede that; but that is not the case with Volume VII. It does not require much labour and Government ought not to have decided to offer this amount.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether Government possess any copyright or royalty in these volumes?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I have never attempted to ascertain that matter, because my thoughts did not travel in that light. All that I say is that printed copies of Regulations passed by the Legislature are available in the Government Press. What one has to do is to get at them and reprint them in the shape of a book and then sell. A lot of money could have been saved. Of course the get-up of the seventh volume is neat. But when we go to the question of the price—

DEPUTY PRESIDENT: Is the purchase of this volume a term in the original contract?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As I understood, this was a new agreement entered into by Government. What I learnt from the official member was this. The Government have entered into an agreement that they will purchase the books at the value fixed by Government. At the time when the agreement for Volumes I to VI was entered into, purchase of Volume VII and its supplement was not in contemplation. The present purchase is under a new agreement which must have been entered into during the course of printing. Therefore it is, I suggest, can a person, bargain for the purchase of an article without having a look at it or knowing previously what it is. They must have looked into the book and ascertained what its special features are.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member whether the agreement preceded or succeeded the publication of the book?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*); It is said that the agreement was before the publication of the book. That is a very unwise step. After entering into all these entanglements and difficulties, Government come forward and say that we must vote for a sum of Rs. 9,600. Sir, I oppose this demand.

MR. S. J. NAIR (*Nedumangad*): May I know whether the agreement for the purchase has been arrived at as a sort of patronage to the publisher?

DEPUTY PRESIDENT: I disallow that question.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnatur* cum *Pattanapuram*): I oppose the motion. In the first place, it seems to me that it is not necessary for Government to purchase 800 copies for its use. All Government officers do not have to refer to these volumes. In the Judicial Department, I think about 150 copies may be required and three or four other major departments may require an equal number, altogether so that, on the whole, Government may not require more than 350 copies. No doubt Government can distribute any number of copies, if so inclined; but Government money should not be wasted in that way.

Secondly, I submit that the price charged is too heavy. Taking into consideration the number of pages these two Volumes contain, about 1200, the printing and its get-up would not cost more than about Rs. 5 at the most. If so, the publisher in the present instance makes a profit of Rs. 7 per volume which means Rs. 5,600 profit upon the whole concern. This is an exorbitant profit for a compiler. At this time of economic depression, certainly Government cannot afford to throw away money for the mere purpose of patronage. That is mere waste of money and criminal waste at a time when we are suffering from acute depression.

Thirdly, this work of pure compilation ought to have been undertaken by the Government Press, in which case Government would not have had to meet such heavy extra charges. On these three grounds, I oppose the motion. The Government in my opinion ought not to have entered into such a contract with the publisher without consulting this House.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I wish to say a word on this motion. I agree with all that has been said by members who opposed this demand. Further, the question of purchase by Government and then distribution to the several departments might have been avoided. I do not see why Government should interfere with the purchase of necessary books by the several departments concerned. I cannot understand why Government themselves should purchase a large number of copies and distribute them. There are the usual grants for

'purchase of books' and the departments concerned make the necessary purchases. Because Government want to go out of their way in this particular case, it can be considered only a matter of patronage. I must condemn such acts of patronage. The Government have to think of the situation in which they and the people are placed. Why throw away a large sum of money? Every man is expected to know the statutes of the land. In a court of law, one cannot say "I am ignorant of the provisions of the law because I am not able to pay Rs. 12 for a volume". No Magistrate or court of law will listen to that plea. My submission is, the statutes ought to be made as cheap as possible. Government should get the Regulations printed in the Government Press, if possible, and have them sold cheap. If they are not in a position to do so, my next question is, "did they ever consult other publishers. Or, did they try to see if these books can be published at less cost." Nothing has been done by Government in that direction, All this is purely a matter of patronage.

Then about actual requirements, I must say that 800 copies are not at all necessary. It would have been a wise course to leave the matter to the departments concerned. Again, there is one other important matter that I wish to refer to. The Government entered into contract with the publisher without consulting this House (A voice! *hear, hear*). Now they come forward and say "we have entered into such and such an agreement". That, Government ought to cease to do. If they want this grant to be passed by this House, what they should have done is this. They ought to come to us and ask us. We want the Regulations of the land to be published, and we want so many copies of them. May the business be given on contract? No such thing was done. At the time when the agreement was entered into the Government never took us into their confidence. Now the Government come forward and say "we have already entered into an agreement and this House must sanction the grant". I hope, all the non-official members will be one in opposing this particular demand.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : With regard to the number of copies for distribution to Government offices, I wish to add a few words. The several departments of Government have their own departmental Manuals, Rules, Circulars, etc., to refer to when necessity is felt. I would ask therefore, for instance, what use, the Conservator of Forests would find in going through the Nair Regulation, or the Chief Engineer mastering the details of the Jenmi and Kudiyan Regulation-

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*) : Sir, may I say a word in reply to that ?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : It is no personal reference. Probably the head of the Forest Department may find certain Regulations useful to his department. Similarly the Chief Engineer may find certain other Regulations absolutely necessary for his department and so on and so forth. When such is the case, all Regulations pertaining to particular departments must be stitched up together and sent to

[Mr. E. V. Krishna Pillai.]

that department instead of the present method. Take the case of the Tahsildar for instance. I am sure, all volumes of Regulations and Proclamations and all statutes contained therein are of very little use to him. Especially when there are several departmental circulars and orders on the subject, the usefulness of Regulations and Proclamations in respect of every department is very limited. Therefore, on a careful scrutiny of the list read out by the Chief Secretary, it will be found, as ably contended by my friends here, that the number of copies could be considerably cut down. Also, why should Government think of the feasibility of supplying the various departments at their cost? The departments concerned could themselves purchase copies of such Regulations as are found necessary.

Secondly, as pointed out by Mr. S. Krishna Pillai, it should be borne in mind that the Government who have the interests of the country at heart should think twice before they spend public money. The latest volume, it is said, comprises only very recent Regulations passed by the Legislature and as such the publisher would not have been put to the necessity of searching for references. His labour is minimised to a great degree. All that was required of him was only to collect the publications from the Government Press. Therefore, the principle that must have weighed with the previous Dewan in fixing the price of previous publications should not be relied upon now when the Government propose to fix the price of the new volume. If at all the Government have entered into a contract with the party, the latter could be allowed to go to a court of law, for, I am sure, the Government could set up good defences under the circumstances evidenced already.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): I also oppose the demand in question on a different aspect. The first volume contains about 1,000 odd pages; the same series, sixth volume contains over 1,500 odd pages. But the price for Volume I and Volume VI is the same. On that basis, even though the present volume is said to contain over 1,800 pages, my submission is, the price must be equal and not different. The price should be fixed at 10 rupees. because the new volume contains more pages, its price must not be increased, and hence it cannot be accepted as reasonable.

Secondly, the Government Press could have published it just like they publish the T. S. R. and other departmental books. Thirdly, the number of copies that is required is too high. For these three reasons, I oppose the demand.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I rise to support the demand. I agree with the observations of Messrs. S. Krishna Pillai and Thanu Pillai. Government do not appear to have gone carefully into the question of the price of the volume. But there is the solid fact that the Government have already entered into an

agreement with the publisher and they are bound in law to purchase it at the price agreed upon.

MR. K. R. ELENKATH (*Kulkulam I*): May I know whether the Government have not the power to cancel it?

DEPUTY PRESIDENT: That question need not be answered.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Government are bound in law to purchase the number of copies that they have agreed to purchase. There is a legally enforceable contract.

MR. S. J. NAIR (*Nedumangad*): May I know whether the contract entered into by the Government before the matter was brought to the notice of this House and sanction obtained is irregular?

DEPUTY PRESIDENT: That question is disallowed. It is a matter of opinion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Has the member gone through the agreement?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I have not. It is immaterial.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the suggestion of the member that any paper which is called an agreement entered into by any party can be acted upon by a court of law?

DEPUTY PRESIDENT: That question is disallowed.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): We are now proceeding upon the basis that there is a subsisting contract between the Government and the publisher. Suppose the House turns down this proposal and in consequence the Government do not purchase the books. Evidently the other party will go into court and obtain a decree for damages.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In that case, who will be responsible?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): We are not concerned with the person who is responsible. Government are bound in law to purchase them. Even if they do not get the books, they will have to pay the price. The publisher will get a decree to that effect and recover the price. Under the circumstances, I think it will be graceful on the part of this House to accept the demand.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Will that argument stand in support of every action of Government?

DEPUTY PRESIDEHT: That is a matter of opinion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Is not the agreement entered into by Government dependent upon the condition that funds should be voted by this House?

DEPUTY PRESIDENT I disallow the question. The matter is obvious.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I agree with the observations of Messrs. S. Krishna Pillai and Thanu Pillai. But we are confronted with this unfortunate situation and there is no escape from the legal consequences of the contract already entered into. Sir, I support the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Having regard to the turn that the debate has taken, I wish to make a few observations on the merit of the book. It has been said that the book is a pure mechanical production, in that it is but a reprint of certain Regulations and Rules. I wish to say that it is not really so. It contains not only the Regulations and Rules printed in neat and attractive form but also extracts of relevant portions of the literature bearing on each, such as the Legislative Council Proceedings so that, if any member of this House or any other person, say, a Judge of the High Court or a lawyer, wants to trace the origin and bearing of each line he can readily see it. In short it is given in its legislative setting.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether the portions bearing on the Regulations—

MR. KAYALAM PARAMESVARAN PILLAI (*Additonal Head Sirkar Vakil*) · I do not yield place to the question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I rise to a point of order. I wish to know whether, even before hearing a question, a Member could refuse to give an answer ?

DEPUTY PRESIDENT : It is a hypothetical question.

MR. A. S DAMODARAN ASAN (*Mavelikara*) : It is not a hypothetical question.

DEPUTY PRESIDENT : It is my view that it is a hypothetical question and it prevails.

MR. K. R. ELENKATH (*Kalkulam I*) : I wish to know whether a member is not entitled to put a question to another member at any stage of the discussion in the House.

DEPUTY PRESIDENT : If the question is relevant, it will be allowed; if it is irrelevant, it will be disallowed.

MR. S. J. NAIR (*Nedumangad*) : In the face of the law I ask whether it is not right for a member and especially a Government member—

DEPUTY PRESIDENT : I am sorry I am obliged to give rulings on points which do not facilitate discussion. The Government member may choose to answer a question or not. If he refuses to answer, an inference may be drawn against the proposition which he contends for. The Chair cannot compel an official member to give a particular answer.

MR. S. J. NAIR (*Nedumangad*) : Another point of order, whether the Government Member, before a question is really put, can refuse to answer ?

DEPUTY PRESIDENT : Such a point has not arisen now.

MR. S. J. NAIR (*Nedumangad*) : In my own instance, before I put the question he refused to answer.

DEPUTY PRESIDENT : He has not done so. How can he ?

MR. S. J. NAIR (*Nedumangad*) : Then shall I put the question now ?

DEPUTY PRESIDENT : If the Law Member is in possession of the House and if you put the question and if I allow it, it can be answered.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am in possession of the House. It is for me either to yield or not to yield to questions.

MR. S. J. NAIR (*Nedumangad*): May I know from the member—

DEPUTY PRESIDENT: Mr. S. J. Nair wants to put a question. No doubt, questioning has been so frequently going on. The official member will be given time to finish his speech. If Mr. S. J Nair wants to put a question, he may do so.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether the Government Press is in a position to print neatly and beautifully as it is done in the present case.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to answer that question.

I was making the observation that each law is given in the book in its legislative setting over and above that the relevant rules which date from ancient days are all printed in the book in a neat and attractive form so that any member who wants to see the rules under any Regulation can see them at once. Moreover the decisions of the courts bearing on the various Regulations are collected and digested and printed, and it will be seen that those decisions themselves cover about 400 pages of this book. Over and above that, there is a very valuable index to this book which is printed separately so that any person who wants to find out any reference can do so very quickly. Now I do not want to expatiate much on this point. The Leader of the Liberal Party has written a foreword to this book. If I am permitted to read——

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether he wrote it in the capacity of the Leader of the Liberal Party of this House?

DEPUTY PRESIDENT: I allow Mr. Parameswaran Pillai to read that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*):

"This is the Seventh Volume in the well-known Series styled "The Regulations and Proclamations of Travancore" started originally by Messrs. R. Ramalinga Iyer and N Krishnaswami Iyer and continued by the former. As originally projected, the series was to close with the issue of the Sixth Volume as may be gathered from the Preface to it. But the perennial activity of the Legislature in Travancore has been such as to compel the learned publisher to return to the series and to perpetuate it in order to keep abreast of the Legislative progress. The present Volume opens with a Royal Proclamation dated 1-9 1105 and contains in chronological order the legislative output down to the close of 1109. In addition, the Jenmi and Kudiyan Regulation as amended by Regulation XII of 1108, the Rules and Notifications thereunder, the Case Law on various Statutes since the close of the Sixth Volume, the Case Law applying to Malabar Brahmins before the enactment of the Travancore Malayala Brahmin Regulation of 1106, the Statutes on which the Case Law bears, Index of Cases, Rules under Regulation VIII of 1100 and under other Regulations and the Rules referred to in Case Law, High Court Circulars, etc., and Government Rules and Notifications are reproduced by way of Appendices A to G.

[Mr. Kayalam Paramesvaran Pillai.]

The value and usefulness of this serial publication can hardly be exaggerated. But for such a publication, Judicial Officers and Legal Practitioners will have to keep on rummaging the pages of the Government Gazette and would never feel confident that they are on sure ground."

DEPUTY PRESIDENT: Lenghty extracts cannot be read?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am finishing.

"The risk of unexpected explosions on account of something lurking in the straggling mass of information scattered about in official publications would always be present to their mind. Therefore, those concerned in the administration of law would welcome the Series as a real boon not only supplying the requisite information but also affording a sense of security by the thoroughness of the topics dealt with eliminating the chances of pitfalls. Each Regulation is published in its legislative setting made up of the Objects and Reasons, the discussions and in the Select Committees and the Legislative bodies. Thus an accurate perspective of the enactments is afforded to Lawyers and Legislators. Rules and Notifications forming as it were the light craft aiding in the operations of the Regulations are all set out in close succession to the Regulations. The Judicial pronouncements on the provisions of the Statutes are exhaustively noted under the respective provisions, not in the words of the publisher but in the words of the learned Judges themselves, On the whole, one cannot conceive of anything further to satisfy the demands of those who study or apply the law. While on the Bench and at the Bar I have found the Series quite useful and reliable. The patient industry and scrupulous care brought to bear on the work are remarkable."

MR. A. THANU PILLAI (*Trivandrum–Rural*): May I know how many pages it covers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*):

"The Seventh Volume, I am glad to say, maintains the same level of usefulness and excellence as the previous ones. One distinguishing feature of this volume is that it would be accompanied by a Supplement containing the remaining Rules and Notifications under the existing Regulations. If the matter intended for the Supplement is incorporated with the main Volume, it would hardly be handy on account of the bulk. The Sixth Volume, for example, suffers from such a drawback to some extent. If too bulky and unwiedy the Volumes would get damaged too soon on account of constant use. The idea of publishing a separate Supplement is a happy one.

"In conclusion, I congratulate my friend Mr. Ramalinga Iyer for the praiseworthy service he has rendered to those interested in law and to the public generally by the publication under consideration, and hope that he would continue to add other Volumes to the Series on the same model as future Regulations come into existence

(Sd) P. K. NARAYANA PILLAI,
Retired High Court Judge,
High Court Vakil,
Member, Sri Mulam Assembly.

Probably I was wrong in referring to Mr. Narayana Pillai as the leader of the party although in real fact he is. He has subscribed the foreword also as Member of the Sri Mulam Assembly.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): What is the portion fixing the price of the book?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Nothing about the price is mentioned in the foreword.

I remember that certain observations were made by Mr. E. V. Krishna Pillai. I think that the Tahsildars and other Heads of Departments can have nothing to do with this book. I may mention therefore that about 300 pages of this volume contains Legislative Reforms Regulation and Rules and I trust and believe that members of this House, the Tahsildars and even the Conservator would require the same for frequent reference.

There is yet another thing. I find that a considerable portion of the volume is taken up with the amended Jenmi-kudiyan Regulation, rules thereunder and also judicial rulings. Extracts from Legislative Council Proceedings are also given.

MR. S. J. NAIR (*Nedumangad*): May I know from the member—

MR. KAYALAM PARAMSVARAN PILLAI (*Additional Head Sirkar Vakil*): Just now the Jenmikaram—

MR. S. J. NAIR (*Nedumangad*): Sir, when one member puts a question, should not the other member sit?

DEPUTY PRESIDENT: Perhaps the Law Member might not have seen you rising.

MR. S. J. NAIR (*Nedumangad*): Sir, I put the question standing up.

DEPUTY PRESIDENT: I must point out that more courtesy is due to the House than Mr. S. J. Nair is prepared to give.

MR. S. J. NAIR (*Nedumangad*): As a word of explanation, Sir I have been courteous, and I am sorry that such an expression came from the President.

DEPUTY PRESIDENT: Will the member withdraw that statement?

MR. S. J. NAIR (*Nedumangad*): Sir, I withdraw. (*Laughter.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I was dealing with the Jenmi Kudiyan Regulation; the rules thereunder and the case-law thereon are contained in this volume. I was proceeding to say that, while we are now going on with the Jenmi Karam Settlement, probably every body in the country, persons who are doing Jenmi Karam Settlement work, persons who hold lands and persons who deal in land, all these may require this book for reference. It may be necessary to supply such a volume to as many offices as possible. It should go into as many hands as possible so that it may be used by as many people as possible. Although I am not competent to speak about the number of copies of this volume that may be required by Government, I may say that a very large number will be required having regard particularly to what I stated just now.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether he has anything to say with the regard to the price of this volume?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not say about the price or the cost of the make-up of the book. But I will say this that the gentleman who produced this book

[Mr. Kayalam Paramesvaran Pillai.]

deserves commendation even pecuniary reward and that even if we look at the question as one of reward or remuneration, it is a richly deserved case.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether this motion of a supplementary grant was brought to this House so that it may be utilised as a sort of a pecuniary help to be rendered to the publisher as has been suggested by the Law Member just now?

DEPUTY PRESIDENT: That question is disallowed.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സർ, ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ എതിർക്കുന്നുണ്ടു്. ഈ തുക അനുവദിക്കേണ്ടതാണെന്നു ഇതിലേക്കു പ്രധാനമായി പ്രതിപാദിച്ച കാരണങ്ങളിൽ രണ്ടെണ്ണത്തെ സംബന്ധിച്ചുമാത്രമെ എനിക്കു പറയുവാനുള്ളു. അതിൽ ഒന്നു് ഇവിടത്തെ ഒരു പാർട്ടിയുടെ ലീഡർ ഈ ബുക്കിനു് ഒരു മുഖവുര എഴുതിയിട്ടുള്ളതുകൊണ്ടു് ഇതിനു പ്രാധാന്യം കല്പിക്കണമെന്നുള്ളതാണു്. ആ തത്വം സ്വീകരിക്കാൻ ഈ സഭ സാന്മാർഗ്ഗികമായി കടപ്പെട്ടതാണോ എന്നുള്ളതാണു് ആദ്യമായി നോക്കേണ്ടതു്. പ്രസ്തുതലീഡർതന്നെ ഈ വിധം ഒരു പ്രസിദ്ധീകരണത്തിനു് ഉദ്യുക്തനാണെങ്കിൽതന്നെയും ആയതു വ്യക്തിപരമായ ഒരു സംഗതിയാണെന്നു കരുതാനേ നിർവാഹമുള്ളു. തന്നിമിത്തം ഈ കാരണം ദുർബലമാണു്.

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai did not say that. He only said that it is the opinion of an important person. That is all.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): രണ്ടാമത്തെ സംഗതി ഗവണ്മെന്റു ഇതിനെസംബന്ധിച്ചു ഒരു കരാറിൽ ഏർപ്പെട്ടിരിക്കുന്നതുകൊണ്ടു് സാന്മാർഗ്ഗികമായി ഈ കരാറിനെ നിറവേററാൻ ഈ സഭയ്ക്കു ചുമതലയുണ്ടോ എന്നുള്ളതാണു്. ഉദ്യോഗസ്ഥാംഗങ്ങളെന്നും അനുദ്യോഗസ്ഥാംഗങ്ങളെന്നും രണ്ടു ഭാഗക്കാർക്കുള്ള ചുമതലകൾ പരസ്പരം ബഹുമാനിക്കാൻ ഉഭയകക്ഷികളും കടമപ്പെട്ടിട്ടുണ്ടു്. എന്നാൽ അനുദ്യോഗസ്ഥഭാഗത്തുനിന്നും ബഹുഭൂരിപക്ഷത്തോടുകൂടി പല സംഗതികളും തീരുമാനിച്ചിട്ടും അതർഹിക്കുന്ന പ്രാധാന്യം ഗവണ്മെന്റു കല്പിക്കാതെയാണിരുന്നിട്ടുള്ളതു്. അതുകൊണ്ടു ഗവണ്മെന്റു ഏർപ്പെട്ടിട്ടുള്ള കരാറിനെബഹുമാനിക്കാൻ ഈ സഭയിലെ അനുദ്യോഗസ്ഥാംഗങ്ങൾക്കു സാന്മാർഗ്ഗികമായ ചുമതല ഇല്ലെന്നാണു് എന്റെ അഭിപ്രായം. ഉദാഹരണമായി പറയുകയാണെങ്കിൽ, സാലറികട്ട് ഈസഭ ഒരു വലിയ ഭൂരിപക്ഷത്തോടുകൂടി പാസാക്കിയിട്ടുള്ള ഒന്നാണു്. അതിന്മേൽ യാതൊരു നടപ

ടിയും ഗവണ്മെൻറു ഇതുവരെ നടത്തിയതായിട്ടു കാണുന്നില്ല; ഇതിൽ അടങ്ങിയിട്ടുള്ള തത്വം അനുദ്യോഗസ്ഥാഭിപ്രായത്തിനു അതർഹിക്കുന്ന പ്രാധാന്യം ഗവണ്മെൻറു കല്പിക്കുകയും പ്രായോഗികമാക്കുന്നതിനു ശ്രമിക്കുകയും ചെയ്യുന്നില്ലെന്നാണ്.

DEPUTY PRESIDENT: There is no question before the House as to the respective merits of indivudual opinion and so forth. So that, the point need not be elaborated you may proceed.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalta III*): ഗവണ്മെൻറു ഏർപ്പെട്ടിട്ടുള്ള കരാറു നിറവേറേണ്ട ചുമതല അനുദ്യോഗസ്ഥ മെമ്പർമാർക്കില്ലെന്നു കാണിക്കാൻവേണ്ടി പറയുകയാണ്

DEPUTY PRESIDENT: You may proceed with the argument

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അൻപതു ശതമാനം ഭൂനികുതി കുറവുചെയ്യണമെന്നുള്ള പ്രമേയം അനുദ്യോഗസ്ഥഭാഗത്തുനിന്നും ഒരു വലിയ ഭൂരിപക്ഷത്തോടുകൂടി പാസാക്കിയപ്പോൾ ഗവണ്മെൻറു പന്ത്രണ്ടുശതമാനം അതായതു ൷ മാത്രം ആണ് കുറച്ചതു്. ഗവണ്മെൻറിനു ഇപ്രകാരം അനുദ്യോഗസ്ഥാംഗങ്ങളുടെ ഭൂരിപക്ഷാഭിപ്രായത്തെ അവഗണിക്കാമെങ്കിൽ ഗവണ്മെൻറിൻെറ കരാറിനേയും അവഗണിച്ചു ഇപ്പോൾ ആവശ്യപ്പെട്ടിരിക്കുന്ന ഈ തുകയുടെ (൷) കാൽ ഈ സഭ അനുവദിച്ചുകൊടുത്താൽ മതിയല്ലോ.

DEPUTY PRESIDENT: That does not apply (*Laughter.*)

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അതുകൊണ്ടു ഞാൻ ഈ ധനാഭ്യർത്ഥനയെ ശക്തിയായി എതൃക്കുന്നു.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*); Sir, I thought I need but be a silent listener to the discussion upon this demand; but since my name has been introduced during the course of the debate, I think, I have to add a few words of my own to the volume of discussion which has already swollen so much. As to the necessity of such a publication, I do not know whether any serious objection can be raised. I myself had on one occasion interpollated in the previous Legislative Council in regard to the proceedings of a Magistrate who, without noticing the latest amendment to the Revenue Recovery Regulation, decided a case which had to be subsequently revised by the High Court, the Magistrate explaining that he was not aware of the latest amendment to the Statute. Then————

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was he excused and is it the member's suggestion that he might have been excused?

MR. P. K. NARAYAA PILLAI (*Ambalapuzha I*): I brought up the matter before the House and the then President of the House, Mr. Watts, as I recollect, promised that he would see that all the

[Mr. P. K. Narayana Pillai.]

Regulations and Proclamations were supplied to all the courts in the State in their up-to-date setting. In pursuance of that promise by the then Dewan President, I understand, the Government have been in the habit of supplying volumes of the Regulations and Proclamations brought out by Mr. Ramalingom Iyer and Mr. Krishnaswami Iyer.

After the close of the sixth volume of the Regulations and Proclamations in this series, various amendments were made to the Statutes and various Statutes have been brought into existence, so much so the need was felt to continue the series resulting in the appearance of the seventh volume in the series. This series, as pointed out by my friend Mr. Parameswaran Pillai, set forth the original Regulations and the amended Regulations in the Legislative settings in the first instance followed by the Judicial pronouncements forming the outgrowth upon them. The usefulness of such a publication, as I said in the foreward to the seventh volume, cannot be gainsaid. It was questioned here whether it is not open to the Government Press or some other agent deputed by the Government to produce or publish a volume of this description. They may reproduce the Regulations and Proclamations. They may also probably extract some portions of the Legislative Council Proceedings, but to collate all the Rules, to set them out in such a way as to make them available for immediate use with commentaries on these Regulations much patience, intelligence and industry are required. It requires further a keen sense of choice and discrimination.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know which is the Regulation for which commentary, setting and decisions have been collaborated. Is it the Jenmi Kudiyan Regulation?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes, that is one. Then the rules under the Civil Procedure Code. There are rulings under other Statutes also. All decisions after the close of the sixth volume are incorporated in this volume.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Does it contain the commentaries and decisions under all the Regulations?

MR. P K. NARAYANA PILLAI (*Ambalapuzha I*): Yes, all the Rulings and Regulations since 1105.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Have we not got the Digest?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): We may have.

MR. PUTHUPLLI S. KRISHNA PILLAI (*Quilon II*): Then, why should we pay for the Digest?

MR. P. K. NARAYANA PILLAI (*Ambalapuzh I*): You need not purchase the Digest. Government need not supply any Digest of cases to the Judicial Officers.

So I am saying especially in the mofussil parts where they have not got Law Libraries as we have got in Trivandrum, where reference to legal literature and periodicals is not feasible a publication of this kind would prove useful.

MR. A. THANU PILLAI (*Trivandrum—Rural*) May I know from the member whether Government agreed with this publisher that the publisher should also publish all case-law bearing on all the Statutes since the publication of the sixth volume ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Should I answer that question ?

DEPUTY PRESIDENT: The member has not said anything about that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As to the contract between the publisher and the Government, I may let my friend know that I know nothing. I am only speaking about the merits of the particular publication, and the need for its supply to the Judicial Officers in tha State. Then it is asked whether it is worth the price fixed by Government and demanded by the publisher. This publication is as large as, say, Leake's Work on Contract which is worth Rs. 41 as my friend Mr. Abraham says. Judged by the volume, the price therefore is not immoderate.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it not as big as the Almanac of the Travancore Government ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I think it is bigger than the Almanac.

Then for so much industry and so much careful work, whether the publisher should not be entitled to some remuneration is a very legitimate question. The outlay of money for the publication, the interest thereon and his labour in connection with it—when all these are taken into account, to say that it is not worth so much does not appeal to me. For these reasons and also because Government have entered into the agreement, which it is difficult to view as one entered into maliciously to defeat the tax-payer, I support the demand.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഈ സഭ മുൻപാകെ വാദവിഷയമായിരിക്കുന്ന സംഗതിയെസംബന്ധിച്ചു ഞാനും രണ്ടുവാക്കു പറഞ്ഞുകൊള്ളട്ടെ. ഈ ധനാഭ്യർത്ഥന അനുവദിച്ചുകൂടാ എന്നുള്ള ഭാഗത്തോടു എനിക്കു യോജിക്കുന്നതിനു നിവൃത്തിയില്ല. ഈ പുസ്തകം അച്ചടിച്ചു പ്രസിദ്ധീകരിക്കാൻ ഇടയായതു ഗവണ്മെന്റും പ്രസാധകനുമായിട്ടുണ്ടായിട്ടുള്ള കരാറിനെ അടിസ്ഥാനമാക്കിയാണെന്നു ഇവിടെ പറഞ്ഞുകഴിഞ്ഞു. അങ്ങനെ ഒരു കരാർചെയ്യുന്നതിനു ഗവണ്മെന്റിനു പല കാരണങ്ങളുമുണ്ടായിരിക്കും. മുൻപ് ഈ പ്രസാധകൻതന്നെ പ്രസിദ്ധീകരിച്ചിട്ടുള്ള പുസ്തകങ്ങളുടെ തുടർച്ചയായിട്ടുള്ള ഒരു പുസ്തകമാണിതു്. അതിനെ അനുകൂലിച്ചു് ഇങ്ങനെ ഒരു കരാർചെയ്യാൻ ഗവണ്മെന്റു ചുമതലപ്പെട്ടിരിക്കാം. ഇതു ഒരാളിനെ സഹായിക്കാൻ വേണ്ടിമാത്രം ചെയ്തിട്ടുള്ള ഒരേർപ്പാടാണു് എന്നു തെറ്റിദ്ധരിക്കാൻ പാടി

[Mr. N. E. Varughese.]

ല്ല. പ്രൈവററു ഏജൻസികളെ സഹായിക്കണമെന്നു ഈ സഭയിൽ തന്നെ പലപ്പോഴും പലരും പറഞ്ഞിട്ടുണ്ട്. അതു ഗവൺമെൻറു സ്വീകരിക്കേണ്ട ഒരു നയവുമാണ് ഈ പ്രസിദ്ധീകരണങ്ങളുടെ ഒന്നുമുതൽ ആറുവരെ വാല്യങ്ങൾ സഭാംഗങ്ങൾക്കു കിട്ടിയില്ലെങ്കിലും ഞാൻ അതു് വിലക്കുവാങ്ങി വായിച്ചുനോക്കിയിട്ടുണ്ട്. നിയമസംബന്ധമായ പ്രസിദ്ധീകരണങ്ങളിൽ ഏററവും നല്ല ഒരു പുസ്തകമായിട്ടാണു ഞാൻ ഇതിനെ വകവയ്ക്കുന്നതു്. എനിക്കു ഈ പുസ്തകംമുഖേന പല അറിവും ലഭിച്ചിട്ടുണ്ട്. പിന്നെ പുസ്തകത്തിൻെറവില കൂടിപ്പോയി എന്നുള്ളതാണ് മറെറാരുതടസ്സം. പുസ്തകം രചിക്കുന്നതിനു വേണ്ടിവരുന്ന സമയം, അതിലേക്കുള്ള മാനസീകഅദ്ധ്വാനം തുടങ്ങിയുള്ള പലസംഗതികളെ നോക്കിവേണം പുസ്തകത്തിൻെറ വില നിർണ്ണയിക്കാൻ. അതൊക്കെ നോക്കുമ്പോൾ വില കൂടുതൽ അല്ലെന്നു ഗവൺമെൻറുഭാഗത്തുനിന്നും തന്നെ പറയുകയും ചെയ്തു. പ്രസാധകനുമായിട്ടു കരാറുചെയ്തിട്ടുള്ളതു് ഗവൺമെൻറാണ്. നിസ്സാരകാര്യങ്ങൾക്കുവേണ്ടി ഗവൺമെൻറിൻെറ വ്യവസ്ഥയെ അവഗണിച്ചു പ്രവർത്തിക്കുന്നതു ഈ സഭയുടെ അന്തസ്സിനു യോജിച്ചതല്ല. അതുകൊണ്ടുഞാൻ ഈ അഭ്യർത്ഥനയെ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. M. N. NAIR (*Kottayam I*): സർ, ഈ ഉപക്ഷേപത്തെ എതിർക്കുന്നതിനാണു ഞാൻ തുടങ്ങുന്നതു്. ഇതുവരെനടന്ന പ്രസംഗങ്ങളിൽനിന്നു ഇതു വളരെ ഉപകാരമുള്ള ഒരുപ്രസിദ്ധീകരണമാണെന്നു സ്ഥാപിച്ചുകഴിഞ്ഞു. ഈ പുസ്തകത്തിൻെറ ൭൦൦ പ്രതികൾ ഗവൺമെൻറിൽനിന്നും വിലക്കുവാങ്ങിക്കൊള്ളാമെന്നു ഗവൺമെൻറുടമ്പടി ചെയ്യാനുള്ള കാരണമോ അല്ലങ്കിൽ ഇത്രയും സംഖ്യ ചിലവാക്കേണ്ട ആവശ്യമോ ഇതുവരെയുള്ള പ്രസംഗത്തിൽനിന്നും സാധിച്ചിട്ടില്ല. ഇങ്ങനെയുള്ള ശ്രമങ്ങളുടെ പ്രോത്സാഹനത്തിനായി കുറെ അധികം പണംകൊടുക്കാൻ ഉദ്ദേശിക്കുന്നതു അപരിഷ്കൃതവും പ്രസിദ്ധീകരണത്തിനുള്ള ആളോ സ്ഥലമോ ഇല്ലാതെയുള്ളതുമായ ഒരു സ്ഥലത്തല്ലാതെ തിരുവിതാംകൂറുപോലെ ഓരോ ആളുകളും മത്സരിച്ചു മുന്നോട്ടുവന്നുകൊണ്ടിരിക്കുന്ന ഒരു സ്ഥലത്തു ആവശ്യമില്ലെന്നാണു എൻെറ അഭിപ്രായം. ഇന്നു ജോലി കൊടുക്കാൻ വിചാരിക്കുന്നതിലധികം പ്രസിദ്ധീകരണസ്ഥാപനങ്ങൾ ഈ രാജ്യത്തുണ്ട്. അവ മിക്കവാറും ജോലിഇല്ലാതെ പട്ടിണികിടക്കുകയും നശിക്കയും ചെയ്തുവരുന്ന ഈ അവസരത്തിൽ ഗവൺമെൻറു രഹസ്യമായി ഒരു പ്രസിദ്ധീകരണവിഷയത്തിൽ ഉടമ്പടിചെയ്തതു് ഒരിക്കലും ന്യാ

യമായിട്ടുള്ളതല്ല. പ്രൈവറേറജൻസികളെ പ്രോത്സാഹിപ്പിക്കണമെന്നുള്ളതുകൊണ്ടു പ്രൈവററായി ചെയ്തിട്ടുള്ള ഉടമ്പടികളെ ഒരിക്കലും അനുകൂലിക്കാൻ പാടില്ലാത്തതാകുന്നു. ഇങ്ങിനെ ഒരു പ്രസിദ്ധീകരണത്തിൻെറ ആവശ്യംഉണ്ടെന്നു ഗവണ്മെൻറിനുതോന്നി അതു് പ്രസിദ്ധീകരിച്ചിരുന്നാൽ കുറഞ്ഞ പ്രതിഫലത്തിന്മേൽ ചെയ്തുകൊടുക്കുന്നതിനു പല സ്ഥാപനങ്ങളും മുന്നോട്ട്വരികയും ഗവണ്മെൻറു നിർദ്ദേശിക്കുന്ന രീതിയിലും ഗവണ്മെൻറിനു ലാഭംകിട്ടത്തക്ക നിലയിലും ചെയ്തുകൊടുക്കയും ചെയ്യുമായിരുന്നു.

ഈ പുസ്തകത്തിൻെറ ൮൦൦ പ്രതികൾ ഗവണ്മെൻറിനു ആവശ്യമുണ്ടോ എന്നു എനിക്കു നിശ്ചയിക്കാൻ നിവൃത്തിയില്ല. ആവശ്യമുണ്ടെങ്കിൽ അത്രത്തോളം പ്രതികൾ കുറഞ്ഞനിരക്കിൽ തരണമെന്നുപറഞ്ഞാൽ അതുപോലെ കൊടുക്കാൻ തയാറുള്ള സ്ഥാപനങ്ങൾ ധാരാളം ഈ രാജ്യത്തുണ്ടു്. വക്കീലന്മാരും പെൻഷൻപററിയ ജഡ്ജിമാരും വിശ്രമവേളയിൽ ഇങ്ങനെയുള്ള പ്രസിദ്ധീകരണവിഷയത്തിൽ പ്രസിദ്ധീകരണസ്ഥാപനങ്ങളെ സഹായിക്കാൻ സന്നദ്ധരായിരുന്നു. ഇങ്ങനെയുള്ള സന്ദർഭത്തിൽ ആവശ്യമുള്ളവരെ സഹായിക്കാതെ മററുവിധത്തിലുള്ള സ്ഥാപനങ്ങളെ സഹായിക്കുന്നതു ശരിയല്ല. ഗവണ്മെൻറു ഇങ്ങനെ ചെയ്തുപോയതുകൊണ്ടു ഈ തുക വോട്ടുചെയ്യണമെന്നു ഒരു യുക്തിവാദം പറയാം. എന്നാൽ ആ ഒരു കാരണംകൊണ്ടു്തന്നെ ഇതു വോട്ടുചെയ്യരുതെന്നാണു എൻെറ അഭിപ്രായം. ഇതനുവദിച്ചാൽ ഉടമ്പടിചെയ്തുകഴിഞ്ഞുപോയി, അതുകൊണ്ടു് മേലും ഇതുപോലെയുള്ള കാര്യങ്ങൾക്കു് പണം അനുവദിക്കണമെന്നു പറയും. ഈ സഭയോടു ആലോചിക്കാതെ ഗവണ്മെൻറു കരാറുചെയ്തതുകൊണ്ടു് ഈ സഭയുടെ പ്രതിഷേധം കാണിക്കാൻ ഇതിനെ എതിർക്കണമെന്നാണു എൻെറ അഭിപ്രായം. കൂടുതൽ യുക്തിവാദം ഈ അവസരത്തിൽ ആവശ്യമില്ലാത്തതുകൊണ്ടു് നിയമസഭയുടെ സ്വാതന്ത്ര്യത്തെ സംരക്ഷിക്കാൻവേണ്ടി ഈ അഭ്യർത്ഥനയെ എതിർക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sir, my task has been lightened considerably by the able speeches made by my friend the Law Member and Mr. P. K. Narayana Pillai. As you would have observed from the speeches of these gentlemen the book that has now been published is not a mere compilation, a collection of Regulations stitched together as one member put it. Mr. P. K. Narayana Pillai has himself stated so in his Foreword to the book and has explained the point in detail in his speech. I can assure my friend

[Rao Sahib Dr. N. Kunjan Pillai.]

Mr. S. Krishna Pillai that Government looked into both the volumes before they fixed the price. Probably Mr. Krishna Pillai has not had a chance to look into the copies, and that is the reason why he has said that it is only a mere collection of Regulations stitched together. Government examined the books before the price was fixed; and as I mentioned in my opening speech, the cost of the publication, (printing, stationery etc.) was considered. The cost was estimated to be Rs. 3/12 per copy of Volume 1 of the series. Considering the number of pages alone, the cost of paper and printing a copy of these two volumes would amount to about Rs. 7.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Has there been any change in the price of paper and cost of labour since the first volume was published?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I don't think that any small change in the price of paper will make much difference.

MR. A. THANU PILLAI (*Trivandrum-Rural*): By whom was the calculation made?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The calculation was made by the Superintendent of the Government Press.

MR. A. THANU PILLAI (*Trivandrum—Rural*): When was the calculation made and what was the price of paper then and what is it now?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There may be some little difference in the price of paper. But still the cost of these two volumes, the actual cost of stationery and printing, would amount to about Rs. 7. The amount of labour put into the preparation of these volumes was explained by Mr. P. K. Narayana Pillai. Government wanted the publisher to bring out the volumes exactly on the lines of the previous volumes. In addition, the present volumes contain several pages of index. It was suggested by some members that the Government Press could have printed these volumes. If they had been mere compilations, the work could have been entrusted to the Government Press. There must be somebody to edit the book and bring it out in this form. Government are now attempting to bring out a revised edition of the Land Revenue Manual. An officer and a fairly large staff are working at it and Government want to have it finished within one year. I doubt if it will be ready within a year; and when it is finished the cost of the establishment, stationery, and printing may be considerably more than what Government may have had to pay if the work were entrusted to a private agency. If the Government had prepared and published Volume VII and the Supplement of Regulations and Proclamations departmentally, the cost of the establishment and of the paper and printing would have been more than Rs. 9,600, the amount to be paid to the present publisher. As regards the distribution of copies of the first six volumes, I may say that the Secretariat was given about 60 copies, the Judicial Department about 250 copies—

MR. A. THANU PILLAI (*Trivandrum-Rural*): How were the 60 copies distributed in the Secretariat?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): To the Dewan, the Chief Secretary, the Secretaries, the Assistant Secretaries and to the various Sections. Each of the above officers was given two copies, and one copy was supplied each to the Sections. Judicial Officers also got two copies each, one for use in the court and the other in the house. The Revenue Department got 101 copies, the Police Department 94 copies, the Excise Department 55 copies and other Departments 236 copies. The total comes to about 776 copies and there are about 24 copies kept as reserve. Government have entered into an agreement with the publisher because the conditions were the same as those for the previous volumes whose inportance and value has been certified to by eminent lawyers, including members of this House, for example, Mr. Changanachery Parameswaran Pillai. Government have agreed to purchase 800 copies at Rs. 12 each and if they don't do so, the publisher has a right to sue the Government and then they may have to pay not only this amount but probably the cost of the suit also; but that contingency can be avoided if the grant is allowed by the House.

The motion was put to the vote of the House and carried.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—33.

1 Mr. N. Abdur Rahiman Sahib	18 Mr. P. K. Narayana Pillai
2 ,, K. C. Abraham	19 ,, R. Nilakanta Pillai
3 ,, T. K. Alexander	20 ,, N. K. Padmanabha Pillai
4 ,, S. Chattanatha Karayalar	21 Rao Sahib S. Paramesvara Aiyar
5 ,, John Whitely Tolson	22 Mr. Kayalam Paramesvaran Pillai
6 ,, Antony George	23 ,, R. Raman Pillai
7 ,, K. George	24 Rao Bahadur N. Ramanuja Aiyangar
8 ,, M. Mahomed Haneef	25 Mr. K. Sankaran
9 ,, John Joseph	26 ,, M. Sivatanu Pillai
10 ,, T. T. Kesavan Sastri	27 ,, R. M. Statham
11 ,, K. M. Krishnan	28 ,, T. C. Thommen
12 Rao Sahib Dr. N. Kunjan Pillai	29 ,, G B. E. Truscott
13 Mr. C. V. Kunjuraman	30 ,, N. E. Varughese
14 ,, K. M. Kuriakose	31 ,, M. Govinda Pillai
15 ,, K. Madhavan	32 ,, R. Dhanukodi Pillai
16 ,, K. Mahomed	33 ,, James Simpson
17 ,, P. C. Narayanan Bhattatripad	

NOES—19.

1 Mr. P. Chidambaram Pillai
2 „ A. S. Damodaran Asan
3 „ A. Easwara Pillai (Kalkulam II)
4 „ K. R. Elenkath
5 „ S. J. Nair
6 „ M. K. Janardana Kamath
7 „ Pottayil S. Krishna Panickar
8 „ N. K. Krishna Pillai
9 „ Puthupalli S. Krishna Pillai
10 „ K. Kunjukrishna Pillai
11 Mr. M. N. Nair
12 „ Pacode A. Narayana Pillai
13 „ Edavanatt S. Padmanabha Menon
14 „ Kainikkara M. Padmanabha Pillai
15 „ Changanachery K. Paramesvaran Pillai
16 „ A. Thanu Pillai
17 „ S. Thiraviam Nadar
18 „ V. K. Velappan Nair
19 „ T. P. Velayudhan Pillai

NEUTRALS—7.

1 Mr. V. T. Chacko
2 „ A. Easwara Pillai (*Kottarakara*)
3 „ E. V. Krishna Pillai
4 Mr. M. K. Madhavan Pillai
5 „ K. A. Narayana Pillai
6 „ S. Nilakanta Pillai
7 „ K. Padmanabhan

The motion was declared carried.

The Assembly adjourned at 5-5 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY

OFFICIAL REPORT.

FIRST ASSEMBLY.

FOURTH SESSION.

Tuesday, the 22nd January 1935/9th Makaram 1110.

The Assembly met again in the Victoria Jubilee Town Hall, at Eleven of the clock, the President presiding.

NEW MEMBER SWORN IN.

Rao Bahadur N. Ramanuja Aiyangar, Police Commissioner, took the oath and signed the rolls.

QUESTIONS AND ANSWERS.

PRESIDENT : The next business in the agenda is 'Questions and Answers'. The questions which were left over yesterday on account of the expiry of the allotted time will be taken up first.

Kartikapalli-Kayankulam road via *Mutukulam.*

18 ***MR. V. RAMAKRISHNA PANICKAR** (*Kartikapalli II*) : Will the Government be pleased to state :

(*a*) whether any estimate has been prepared for metalling the Kartikapalli-Kayankulam road *via* Mutukulam in the Kartikapalli taluk ;

(*b*) if so, what is the estimated amount ;

(*c*) whether they have received any representation for metalling the said road ; and

(*d*) if so, whether they have taken any action in the matter ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) Yes.

(*b*) Rs. 31,170.

(*c*) No

(*d*) In view of the answer to part (*c*), the question does not arise.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : May I know from the member whether the estimate has been prepared by that department on its own initiative or as a result of any representation ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I think it was as a result of representation.

G. P.T. 1348 350 18-9-1100.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): If the estimate has been prepared as a result of any representation what is the meaning of the answer to part (*c*) of the question?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The application was for gravelling the road.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member whether the work and the estimate has been sanctioned by the Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer*); Yes, they have been sanctioned by Government.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member the cause of the delay in the execution of the work?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The work has been held over on account of financial stringency.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know whether this road or any portion of it has been inspected by the member recently?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I shall be inspecting it shortly on account of some objections raised by the Honourable member's friend.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member whether any estimate has been prepared for gravelling the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the amount?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Rs. 31,170.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether that is for metalling the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*); That is not for metalling the road.

MR. A, S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that the answer given is incorrect?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The question in part (*a*) is whether any estimate has been prepared for metalling the road and in part (*b*) the question is 'if so, what is the estimated amount'. The member has given it as Rs. 31,170. Then may I know what is the estimated amount for gravelling the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): It is Rs. 31,170.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that the expenditure will be the same both for gravelling the road and for metalling it?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No. The question was whether an estimate has been prepared for metalling the road and I answered 'yes' and the other question (*c*) was whether they have received any representation for metalling the road and I said 'no'. The representation has been for gravelling the road.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I just explain?

PRESIDENT: I quite understand your question and I also quite understand the answer given by the Government member.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Part (*b*) of the question is 'what is the estimated amount' and the member says that it is Rs. 31,170 and that it is the same amount which is estimated for gravelling the road. I wish to know whether the expenditure for gravelling and metalling is the same.

PRESIDENT: I understand the Chief Engineer to say that the amount he has specified is for the purpose of gravelling the road but not for metalling it and that the cost of metalling would be higher. All the same there has been some confusion of thought.

Cheppad-Vettikulangara road in the Kartikapalli taluk.

19 ***MR. V. RAMAKRISHNA PANICKAR** (*Kartikapalli II*) Will the Government be pleased to state:

(*a*) whether there is a road called the Cheppad-Vettikulangara road in the Kartikapalli taluk in the charge of the P. W. D.;

(*b*) whether, if a small deviation is made at the Vettikulangara temple, it will serve to connect the Quilon-Alleppey road with the Kartikapalli-Kayankulam road;

(*c*) whether any of the officers of the P. W. D. in the Quilon Division has recently made any inspection of this cross-road; and

(*d*) the result of the inspection, if any?

MR. G B. E. TRUSCOTT (*Chief Engineer*): (*a*) There is no such road in the charge of the P. W. D.

(*b*) There is a road to Vettikulangara temple which is said to be a temple road. If an extension of this road is made, it will connect the Quilon-Alleppey road and the Kayankulam-Kartikapalli road.

(*c*) Yes.

(*d*) It was found that the road would be serviceable, if constructed.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member whether the road can be extended as far as the Kayankulam backwaters so as to connect it with the jetty there?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The road is not in the charge of the P. W. D. at present.

MR. V RAMAKRISHNA PANICKAR (*Kartikapalli II*): My point is whether this road can be extended.

MR. G B. E. TRUSCOTT (*Chief Engineer*): It can be extended most certainly.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know whether an estimate has been called for by the department?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member whether it is not advisable in view of the fact that it is a serviceable road to call for an estimate?

PRESIDENT: Not furnishable.

Teaching of Economics in the College of Arts.

20 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether there are duly qualified Professors in the Arts College to impart instruction in Economics:

(*b*) whether there is any one at all in the College who possesses English or Indian academic distinction in that subject,

(*c*) the arrangement made by the Government in the Arts College in that particular direction in pursuance of Mr. Gopala Menon's transfer to the Science College;

(*d*) whether the present arrangement, if any, is satisfactory under the University Rules; and

(*e*) whether it is true that one of the two Professorships already sanctioned by Government still remains vacant?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Yes.

(*b*) Yes.

(*c*) Mr. N. S. Narasimha Aiyangar, Assistant Professor, is doing the bulk of the work.

(*d*) Yes.

(*e*) Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With reference to the answer to part (*b*) may I know from the member the nature of the academic distinction possessed by the Professor?

MR. R. M. STATHAM (*Director of Public Instruction*): It does not necessarily refer to the Professor. It refers to the whole history and economics staff. There is no Professor who possesses outstanding qualifications in Economics.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question is whether there is any one at all in the College who possesses English or Indian academic distinction in Economics.

MR. R. M. STATHAM (*Director of Public Instruction*): The answer is that there is an Assistant Professor who possesses special qualifications.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the nature of the academic distinction possessed by that Professor?

MR. R. M. STATHAM (*Director of Public Instruction*): That Assistant Professor was awarded the University Gold Medal in Economics on his passing the B. A., took his M. A. in History and Economics.

has been for two years a research student under the Madras University Professor of Economics and has published a number of treatises on Economics recognised by the University.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member who is doing the remaining portion of the work?

MR. R. M. STATHAM (*Director of Public Instruction*): The Principal of the College.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether the number of periods had to be reduced in pursuance of Mr. Gopala Menon's transfer?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the number of periods for teaching Economics in the final Honours class?

MR. R. M. STATHAM (*Director of Public Instruction*): I am sorry I must have notice of that.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the University Rules regarding this point?

MR. R. M. STATHAM (*Director of Public Instruction*): The University have recognised all the members of the history staff as competent to take Economics which is only a subsidiary subject for the pass course and the Honours course and they have approved of the present staff.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With reference to the answer to part (*e*) may I know why one of the two Professors' places already sanctioned by Government remains vacant?

MR. R. M. STATHAM (*Director of Public Instruction*); It is mainly on account of retrenchment.

MR. T. P. VELAYUDHAM PILLAI (*Tiruvalla III*). May I know from the member how long it is since this place has been remaining vacant?

MR. R. M. STATHAM (*Director of Public Instruction*): I think it is now a matter of two years.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, Sir, what class this Assistant Professor has secured for his M. A?

MR. R. M. STATHAM (*Director of Public Instruction*): Third class, I think.

Holidays for Schools.

21 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) the minimum number of working days required for the English as well as the Vernacular Schools in the State; and

(*b*) the total number of holidays sanctioned for the schools according to the present calculation and the full details regarding them?

MR. R. M. STATHAM (*Director of Public Instruction*):

(a) English Schools	...	...	175
Vernacular Schools	...	...	170

(b) *English Schools.*

Summer vacation	...	...	61 days.
Christmas	...	...	10 ,,
Onam	...	...	8 ,,
Special holidays	..	...	19 ,,

and all Saturdays and Sundays.

Vernacular Schools.

Summer vacation	...	...	52 days.
Christmas	...	...	10 ,,
Onam	...	...	8 ,,
Special holidays	...	...	19 ,,

and all Saturdays and Sundays.

In addition to the above, there are a large number of local holidays and other special holidays such as holidays giv n for inter-school sports, Boys Scout Rally &c.

The Chengannur English Middle School for Girls.

22 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(a) whether the Dewan of Travancore has received a written representation, at Tiruvalla, from the representatives of the public of Chengannur, urging upon the Government the necessity of raising the local English Middle School for Girls to a High School:

(b) the steps taken by Government on such representation and the result of the same; and

(c) if the answer to part (b) is in the negative, the reasons for the same?

MR. R. M. STATHAM (*Director of Public Instruction*): (a) Yes.

(b) The question of raising the standard of the school will be considered, if finances permit, in connection with the Budget for 1111 M. E.

(c) The member is referred to the answer to part (b) above.

A new Chengannur Taluk.

23 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(a) whether the Dewan of Travancore has received a written representation at Tiruvalla (camp), from the representatives of the public of Chengannur, urging upon the Government the necessity of the creation of a separate Chengannur taluk with its old *pakuthies* or of at least opening a Sub-Treasury at Chengannur;

(b) the steps taken by Government on such representation and the result thereof; and

(c) if the answer to part (b) is in the negative, the reasons for the same ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) :

(a) Yes.

(b) None.

(c) The old taluk of Chengannur was amalgamated with the taluks of Tiruvalla and Pattanamtitta in 1098. It is not yet time to reconsider the question of the re-formation of the Chengannur taluk. It cannot at any rate be re-opened before the time of the next settlement. There is at present no necessity for a separate Sub-Treasury at Chengannur, as there is one at Tiruvalla at a distance of only 6 miles along the Main Central Road with bus service available at short intervals.

MR. T. P. VELAYUDHAM PILLAI (*Tiruvalla III*) : With reference to the answer to part (c) may I know when certain pakuthies of the old taluk of Chengannur were amalgamated with the Pattanamtitta taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I cannot say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the area and population of such pakuthies that were amalgamated to Pattanamtitta taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I am unable to say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the reasons for amalgamating these pakuthies with Pattanamtitta taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Sir, I have to look all the previous correspondence on the subject and I am not now in a position to answer the question.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the number of pakuthies of the old Chengannur taluk that were amalgamated with the Tiruvalla taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the area and population of such pakuthies that were amalgamated with the Tiruvalla taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I am afraid I have to give the very same answer.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the reasons which weighed with the Government for amalgamating these pakuthies with the Tiruvalla taluk ?

MR K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Retrenchment.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether the Government are aware that there are more Government institutions in Chengannur than in Tiruvalla ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have not made a calculation as to how many institutions there are in Tiruvalla and how many there are in Chengannur. There are a number of important institutions in those places.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether Government have ascertained that the total amount of money that Chengannur has to remit is in excess of the money to be remitted by Tiruvalla taluk ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether there will be any reformation of the taluks as a result of the next revenue settlement ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Then is there any special reason for answering that it is not yet time to reconsider the question of the reformation of the Chengannur taluk and that it cannot at any rate be reopened before the time of the next settlement ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): The answer does not say that before re-settlement nothing will be done.

Supply of Civil List to members of the Legislature.

24 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they are aware of the necessity to supply the Civil List to the members of the Legislature;

(*b*) whether they will issue necessary orders for the supply of the Civil List to the members of the Legislature; and

(*c*) if the answer to part (*b*) is in the negative, the reasons for the same ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) and (*b*) Necessary orders have been issued for the supply of copies of the Civil Ltst to members of the Legislature.

(*c*) This does not arise in view of the answer to parts (*a*) and (*b*).

Removal of Royalties from registered holdings.

25 ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether there is, in addition to the general rules of the Forest Regulation, any definite scheme governing the collection and removal of royalties from the registered holdings within the prescribed period;

(*b*) if the answer to part (*a*) is in the affirmative, whether the Government will be pleased to place on the table a copy of such scheme; and

(*c*) whether any census has already been taken of the royalties standing on private holdings which are to be collected within the prescribed period?

MR. T. C. THOMMEN (*Secretary to Government*): (*a*) No regular working plan or scheme has been prepared; but since the issue of G. O. R. Dis. No. 858/32/Devpt., dated 27-5-1932, exploitation of royalties from registered holdings included in the three tracts mentioned therein has been so arranged that all exploitable royal trees on such lands may be felled according to demand and all marketable timber removed therefrom within the period fixed by Government for each tract.

(*b*) This question does not arise in view of the answer to part (*a*) above.

(*c*) No actual enumeration of royal trees in the three tracts referred to has been conducted since the labour and cost involved will be very prohibitive. But for the removal of royal trees in these areas each year, the standing tree-growth is enumerated and the approximate yield determined for the purpose of inviting tenders for the works, and when the offers are accepted and agreements taken for the work, the trees are marked and handed over to the contractors for felling. The Department has been able to close its work in Tract No. 1 by the end of 1108 in this way and the removal is now confined to Tract No. II.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the date of the Government proceedings which authorise the exploitation of royalties by private holders within a prescribed period?

MR. T. C. THOMMEN (*Secretary to Government*): 27-5-1932.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member why no record has been hitherto prepared?

MR. T. C. THOMMEN (*Secretary to Government*): It is considered to be very costly.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the approximate cost?

MR. T. C. THOMMEN (*Secretary to Government*): I am not able to say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the quantity of marketable timber for which there was demand in 1107 or 1108?

MR. T. C. THOMMEN (*Secretary to Government*): The information is not available.

MR. T. P. VELAYUDHAN PILLAI (*Thiruvalla III*): May I know from the member the quantity of timber from royal trees that were cut and removed from the first tract?

MR. T. C THOMMEN (*Secretary to Government*): I have no information.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member the approximate cost for the enumeration of the royal trees in the tracts referred to in the answer to part (*c*)?

MR. T. C. THOMMEN (*Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member how the teak-growth is enumerated and by whom?

MR. T. C. THOMMEN (*Secretary to Government*): The Forest subordinates.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*); Who is responsible for such enumeration?

MR. T. C. THOMMEN (*Secretary to Government*): The Forest Department.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Which officer?

MR. T. C. THOMMEN (*Secretary to Government*): I claim notice. Apparently the Range Officer

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether several suits have been filed for recovery of damages caused by indiscriminate felling of royal trees?

MR. T. C. THOMMEN (*Secretary to Government*): There is no information.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*); May I know whether instructions have been issued to the agents for repeated cutting of trees from private holdings at a particular time?

MR. T. C. THOMMEN (*Secretary to Government*) I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Are the Government aware that repeated cutting of trees from one registered holding will cause unnecessary damages?

MR. T. C. THOMMEN (*Secretary to Government*): That is a matter of opinion.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): The question is whether the Government are aware.

PRESIDENT: He wants to reserve his opinion to himself.

Public Markets.

26. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether scavenging, sweeping and water-giving are conducted in all public markets in the State;

(*b*) if the answer to part (*a*) is in the affirmative, under whose directions the above works are conducted;

(c) the amount allotted for the purpose for all the public markets in the Nedumangad taluk in the years 1107, 1108 and 1109: and

(d) whether all the money allotted for the purpose has been expended or lapsed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(a) Scavenging is done in almost all markets provided with latrines. Sweeping is done in almost all the important public markets in the State. Water is being supplied in all the public markets in the Trivandrum Division and the question of supplying water in other markets is under the consideration of Government.

(b) The Revenue and the Public Health Departments.

(c) Rs. 605, Rs. 152-14-9 and Rs. 522 respectively.

(d) A sum of Rs. 27-23-7 lapsed out of the allotment sanctioned for 1107, and the entire amounts for 1108 and 1109 were expended.

MR. S. J. NAIR (*Nedumangad*): Whether there are permanent scavengers in all public markets?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Scavengers are not permanent men.

MR. S. J. NAIR (*Nedumangad*): My question is whether there are scavengers to do the work.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Wherever there is latrine there will be a scavenger.

MR. S J. NAIR (*Nedumangad*): May I know the name of the scavenger (*Laughter*).

PRESIDENT: Add to that the community to which he belongs. (*Laughter*).

A supplementary question should be asked bearing on the question in issue. How is it important for the Honourable member whether A, B or C is functioning as a scavenger? The question is whether there is a scavenger and it has been answered that wherever there is latrine there is one.

MR. S. J. NAIR (*Nedumangad*): May I offer a word of explanation? It is alleged there are scavengers wherever there is latrine. May I point out that there are no scavengers in the present instance? In order to satisfy Government I am putting this question.

PRESIDENT: Suppose there is a scavenger named Ramadu and there may be thousands of persons with that name. No useful purpose is served by asking such a question.

MR. S. J. NAIR (*Nedumangad*): May I know the names of markets for which scavenging and sweeping works are not conducted?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There are several hundreds.

Markets in Nedumangad.

27. ✱**MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(a) how many public markets there are in the Nedumangad taluk and their names;

(*b*) how many private markets there are and their names;

(*c*) whether there are any complaints by the public about the high and unlawful exactions of the market contractors in regard to public markets:

(*d*) when and exactly what actions were taken upon those complaints; and

(*e*) what specific action was taken upon the complaint of the public regarding the unjust market collections of the market contractor in the Venjaramoodu market?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*)

(*a*) There are 9 public markets in the Nedumangad taluk. They are:

1. Nedumangad.
2. Kattakada.
3. Eringayil.
4. Venjaramoodu.
5. Kaniakulangara.
6. Nanniyode,
7. Kattichal.
8. Vellanadu.
9. Kallar.

(*b*) There are 12 private markets.

These private markets have no special names.

The names of the license-holders and the *pakuthies* in which they are held are:—

	Name of license-holder.	*Pakuthi in which the market is held.*
1.	Parish Priest, Kattakada	Kulathumel.
2.	Do.	Veeranacavoo.
3.	Do.	Kulathumel.
4.	Do.	Do.
5.	Do.	Veeranacavoo.
6.	Do.	Kulathumel.
7.	K. N. Madhavan Pillai	Do.
8.	Rev. Fr. Idephones	Karakulam,
9.	Rev. Fr. Manuel	Anad.
10.	Mr. C. Johnson	Oozhamalakal.
11.	Gopala Pillai	Karakulam.
12.	Mydeen Kanoo Rowther	Ariyanad.

(*c*) There was a complaint regarding the alleged unlawful collection of toll in the Venjaramoodu market.

(*d*) & (*e*) The Tahsildar inspected the market, watched the collections and found that no excess amount was collected by the contractor. The contractor was however warned and the Proverthicar has been directed to inspect the market on every market day and watch the collections,

MR. S. J. NAIR (*Nedumangad*) : With reference to answer to part (*d*) may I know whether the Government are aware that there are markets known as Kallara market and Pangodu market and a daily evening market near Vamanapuram ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : All the private markets have not been taken into account.

MR. S. J. NAIR (*Nedumangad*) : In this connection with your permission, Sir, I shall point out to the notice of the House that the answer given for (*b*) is incorrect and incomplete. It will be evident from the answer to questions 35 and 36 and Appendix V and Appendix VI that there are markets known as Kallara and Pangodu. In the answer given these have not been mentioned.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : The information that is now supplied is on a report from the Peishkar. However, I shall make an enquiry about that.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Was it not brought to the notice of the member during the last Assembly, by Mr. S. J. Nair himself, that there are two such markets un-named in revenue records ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I don't remember.

MR. K. R. ELENKATH (*Kalkulam I*) : When are the licenses issued for the market ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Licenses are issued for one year, usually before the beginning.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether a license was issued to the said market at the end of 1109 ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I cannot say now whether any license was issued at a particular date.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether there were any applications for private markets ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I claim notice.

Agricultural Loans.

28. *MR. M. SIVATANU PILLAI (*Tovala*) : Will the Government be pleased to state the amount of agricultural loans applied for and actually disbursed in the taluks of Tovala and Agastisvaram during the years 1107, 1108 and 1109 ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : A *statement containing the information required is placed on the table.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know why there is so much of disproportion between the amounts of agricultural loans applied for and those disbursed ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I notice there are one or two printer's errors in the statement. For instance in the item against Tovala, the amount must be over Rs. one lakh and 13,000, and in column 2 in disbursemant it ought to be Rs. 2,800 and not Rs. 200.

*Vide Appendix I.

MR. M. SIVATANU PILLAI (*Tovala*): May I know why there is so much disproportion with the amounts actually applied for and those disbursed?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): In some cases the parties themselves who have applied might have withdrawn their applications. There may be occasions when it may not be convenient to disburse the sanctioned amount.

MR. M. SIVATANU PILLAI (*Tovala*): May I have an idea of the yearly allotment for the years 1107 to 1109?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I claim notice.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there was any case of disallowance of applications on account of want of funds?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): If there are enough funds there will be no disallowance.

MR. K. R. ELENKATH (*Kalkulam I*): In this particular case may I know whether there was any disallowance on account of want of funds?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have no information.

Allotment for the P. W. D. Southern Division.

29. ***MR. M. SIVATANU PILLAI** (*Tovala*): Will the Government be pleased to state:

(*a*) the amount yearly allotted for the P. W. D. Southern Division for the years 1100 to 1109 and the amount actually spent in those years, respectively; and

(*b*) the amounts actually spent in those years on maintenance of irrigation tanks, the amounts actually spent in those years for the original irrigation works and maintenance of irrigation works, respectively?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) and (*b*) Statements[§] containing the required information are laid on the table.

Delivery Peons in Anchal Offices.

30. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): (*a*) Will the Government be pleased to lay on the table:

(i) a list of persons who have been appointed as permanent delivery peons in Anchal Offices in the Mavelikara Division from 1-1-1108 up to now (*i. e.*, on 17-11-1109) with the dates of their first entertainment and total acting service; and

(ii) a list of persons who are now (*i. e.*, on 17-11-1109) acting as such peons with the dates of their first entertainment and total acting service?

(*b*) If any peon in the answer to part (i) was entertained later or has only shorter acting service than any one in the answer to part (ii),

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§ *Vide* Appendix II.

will they be pleased to state the reason for confirming the former in preference to the latter?

MR. T. C. THOMMEN (*Secretary to Government*): (*a*) (i) The *list is placed on the table.

(ii) The ‡list is placed on the table.

(*b*) No. 2 in list (i) was confirmed in consideration of his caste, No. 3 on account of his past permanent service as runner, Nos. 4 and 5 in consideration of their efficiency and No. 6 in consideration of his community and qualifications.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether in confirming acting hands questions of caste and community are taken into consideration?

MR. T. C. THOMMEN (*Secretary to Government*): Sometimes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the occasions on which those things are taken into consideration?

MR. T. C. THOMMEN (*Secretary to Government*): It is left to the discretion of the appointing officers-

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand whenever an officer chooses, he can plead any cause and confirm the acting hand irrespective of the claim of seniority?

MR. T. C. THOMMEN (*Secretary to Government*): There are general principles to be followed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What are they please?

MR. T. C. THOMMEN (*Secretary to Government*): Efficiency, seniority, priority of entrance in service, etc.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) May I know when considerations of caste prevail over seniority?

PRESIDENT: He says all things being considered, then caste also has a place.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the castes of all acting incumbents are ascertained before making confirmation?

MR. T. C. THOMMEN (*Secretary to Government*). On first entertainment, the question of caste is considered.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know, is a list of castes maintained by the departments and officers?

MR. T. C. THOMMEN (*Secretary to Government*): The community to which an officer belongs is noted when he is entertained.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are not questions of caste taken into consideration at the time of entertainment?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will that again be considered at the time of confirmation?

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‡ *Vide* Appendix III.

MR. T. C. THOMMEN (*Secretary to Government*): May be.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : My question is, are they to be? Are the officers bound to take that into consideration?

PRESIDENT : Sometimes they are taken into consideration; that is how I understand the official member. The officer who gives confirmation also looks into seniority, merit, past work, conduct, etc., and all that and if there are more than one man, satisfying these requirements, the officer when he feels that a particular community is not represented, naturally appoints that man. That is what I understand from the official member.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : In the statement Appendix III No. 6, I wish to know the caste to which he belongs.

MR. T. C. THOMMEN (*Secretary to Government*) : The answer is given there.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was the question of his caste taken into consideration at the time of confirming this acting incumbent?

MR. T. C. THOMMEN (*Secretary to Government*) : He has not been confirmed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : When confirming others junior to him, was the question of his caste taken into consideration?

MR. T. C. THOMMEN (*Secretary to Government*): The Anchal Superintendent must have done so.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Is that an inference or a guess?

MR. T. C. THOMMEN (*S cretary to Government*): Inference.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I wish to know, if the Anchal Superintendent has not taken into consideration that fact, is he bound to submit an explanation to Government for overlooking that fact?

PRESIDENT Not necessarily. Government have no occasion to have that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know, if he has omitted to consider that fact, is he bound to submit an explanation to Government?

PRESIDENT: The presumption is that the man did his duty properly. Therefore, there was no need for getting his explanation. That is what the member says.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : It is stated in answer to (b) that numbers 4 and 5 were confirmed in consideration of their efficiency. My question is, does that apply to the delivery peons in Anchal Offices? I wish to know what are the factors in determining the efficiency of delivery peons.

PRESIDENT : Doing it quickly is one test. Delivering it correct is another.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether any report has been received to the effect that claims of senior men have been overlooked and that they have been not delivering letters properly?

PRESIDENT: Such cases will not come to Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My point is, when the answer to this was given and when the Government noted that the claims of senior people have been overlooked, have they tried to ascertain the reason for overlooking the claims of such men?

MR. T. C. THOMMEN (*Secretary to Government*): The answer given presumes that the others were not so efficient.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Are the Government satisfied with the presumption in over-looking the claims of this particular individual?

MR. T. C. THOMMEN (*Secretary to Government*): His claim was not over-looked.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government call for an explanation on this point?

MR. T. C. THOMMEN (*Secretary to Government*): Government do not consider it necessary.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that in spite of this fact they are satisfied with presumptions?

MR. T. C. THOMMEN (*Secretary to Government*): I have already answered that the Government do not think it necessary to call for the explanation.

Appeals from Teachers of Private Schools.

31. *__MR. A. S. DAMODARAN ASAN__ (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of appeals received by the Director of Public Instruction during 1109 from the teachers of private schools whose services have been dispensed with by the managers, with the dates on which those appeals were filed and the dates on which they were disposed of; and

(*b*) the number of appeals that were allowed?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) The information is contained in the statement laid on the table.

(*b*) 4.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): With regard to answer to part (*b*) may I know whether the Director, before rejecting an appeal, gives the appellant an opportunity of representing his case to the Director?

MR. R. M. STATHAM (*Director of Public Instruction*): Not in all cases

*Vide Appendix IV.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know whether when an adverse order is passed against the appellant he is given a chance of representing his case?

PRESIDENT : Wherever he considers a hearing is necessary he gives the opportunity.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If it is a favourable order there is no need for an appeal but if it is an adverse order I wish to know whether the Director will give a chance to the party to present his case.

MR. R. M. STATHAM (*Director of Public Instruction*) In cases in which the Director thinks a hearing is necessary, he gives a chance.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : The question that it deserves hearing could be ascertained only after hearing.

PRESIDENT : The records and other papers will give an idea.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : What are the cases in which he deems a personal hearing is necessary?

MR. R. M. STATHAM (*Director of Public Instruction*) : I do not think the Honourable member has quite understood the position. There are cases in which the teachers get into trouble with the Managers with regard to their service, pay and other things. Naturally, the Managers will be the first party to hear them, after that the Assistant Inspectors and after them the Divisional Inspector and it is only after that that the Director gets an opportunity. In a number of cases the Director of Public Instruction only considers all the papers connected with the case and does not hear the teachers personally although in many cases the appellants come to see the Director and are seen by him.

MR. M. SIVATANU PILLAI (*Tovala*) : May I know how the favourable orders against appellants are enforced?

MR. R. M. STATHAM (*Director of Public Instruction*) : The Department, under the Code, has got the right to enforce such decisions. The Director has got the power to withdraw the grant or the recognition.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : With reference to the statement appended, are we to understand that out of the 49 appeals 45 are pending?

MR R. M. STATHAM (*Director of Public Instruction*) : I am not in a position to tell the member at what stage these 45 appeals are now. Some of them were sent to the Inspector for disposal. Some others are under consideration of the Director of Public Instruction. Many of them prior to 1110 have already been disposed of. There have been a large number of cases coming after 1109, and these have either been disposed of or are under consideration.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : May I know whether the authorities enquiring into these cases follow the rules

of natural justice with regard to cross-examination of persons in favour of those who bring these complaints ?

MR. R. M. STATHAM (*Director of Public Instruction*): I do not think the Education Department is so much concerned with the legal aspect of the case. If it is a legal case the teacher will sue the Manager in a court of law. It is a departmental affair and not a legal one.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Is it possible to get at the truth without giving the aggrieved party an opportunity of cross-examination ?

MR. R. M. STATHAM (*Director of Public Instruction*) In some cases it is the Assistant Inspectors that hold the enquiry and they generally give such an opportunity.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Are all the 49 appeals pending ?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Are at least some pending ?

MR. R. M. STATHAM (*Director of Public Instruction*): There were only 4 cases in which the Director was able to pass final orders stating that four teachers had to be reinstated.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) May I know whether there is effective control over these management institutions by the Department in cases in which harm is done to these teachers ?

MR. R. M. STATHAM (*Director of Public Instruction*): I think members are aware that we are increasing the control over these institutions in this regard.

Untrained Teachers.

32. *** MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether, in former days, teachers with more than ten years service were considered to be as good as trained teachers for purposes of increment of pay, promotion, seniority, etc ; and

(*b*) if the answer to part (*a*) is in the affirmative, whether that practice has been discontinued, and, if so, the reason for the same ?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) An approved service of ten years as teachers of Classes I to IV in Departmental or Recognised Private Vernacular Schools was recognised as a substitute for formal training.

(*b*) The above concession was withdrawn with the institution of the Untrained Teachers' Certificate Examination.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether untrained teachers' examination is being held now ?

MR. R. M. STATHAM (*Director of Public Instruction*): There is one final examination this year and after that it will be stopped.

MR A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether after the abolition of that examination the old rules will be brought into effect?

MR. R. M. STATHAM (*Director of Public Instruction*): It is doubtful whether the old rule in its exact wording will be restored. But some rule may come into effect.

Untrained Teachers.

33. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to lay on the table a list of untrained teachers of more than 35 years of age, with their total service and the reason for not giving them training till now?

MR. R. M. STATHAM (*Director of Public Instruction*): *First Part.* Government do not propose to collect the information asked for, as the time and labour involved for collecting the same is out of all proportion to its possible utility.

Second Part. The member is referred to Rule 183 of the Education Code.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The answer to part (2) says that the member is referred to Rule 183 of the Education Code. With reference to that I wish to make one submission. It is not published in the Rules and Regulations of the Assembly. Education Code is not a book that is supplied to the members of this House.

PRESIDENT: I am told that it is in the Legislative Library.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If a member refers to a particular volume of a particular book contained in the Legislative Library in the answer on which a supplementary question has to be put, my submission is that such an answer will be utterly inadequate. We will be quite helpless.

PRESIDENT: That is what is done in other Legislatures. The member is referred to Rule 183 of the Education Code which is in the Legislative Library. That is the usual answer which is given in every other recognised Legislature.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If that is the view of the fact, when we are feeling this difficulty, I request the President to consider this aspect of the question and enable us to have a fuller answer. Precedents may be quoted for all these things. But we must be allowed to have a full opportunity of doing justice to our work.

PRESIDENT: I think there is some purpose to be served in laying these questions and answers on the table some time before the meeting. If you had immediately referred to Rule 183 of the Education Code you could have known what it is.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Probably the Secretary will see to the supply of the proper book.

PRESIDENT: If the member had asked for the book the Secretary would have supplied it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know what the rule is?

MR. R. M. STATHAM (*Director of Public Instruction*): The rule in so many words states that teachers over the age of 35 may not be admitted to the training schools without the special sanction of the Director of Public Instruction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether it is the fault of the teachers that they are not trained before the age of 35 or whether it is due to the defect of the Department to provide sufficient accommodation for training those who want to get trained?

MR. R. M. STATHAM (*Director of Public Instruction*): In most cases it is not the fault of the teachers. We had not in the past sufficient number of training schools to meet such a large demand.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether these persons are selected for training by the Inspectors or by the Director?

MR. R. M STATHAM (*Director of Public Instruction*): In the case of Vernacular Training Schools, the Inspectors and Inspectresses make the selection. In the case of Secondary Schools the Director of Public Instruction makes the selection.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) May I know whether in view of the fact that it is not the fault of the teachers that they have not been got trained, the Director would amend the rules so as to enable those unfortunate persons who have not got trained before the age of 35 to get themselves trained?

MR. R. M. STATHAM (*Director of Public Instruction*) The situation has to be met by increasing the provision of teaching facilities, and by granting exemptions.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the approximate number of teachers got trained before the former order?

MR. R. M. STATHAM (*Director of Public Instruction*): I do not quite follow the question.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the number of teachers got trained after the discontinuance of the former order?

MR. R. M. STATHAM (*Director of Public Instruction*): I presume the member means how many teachers are there who are un-trained and who are above the age of 35. I cannot give an accurate figure. They may probably run into thousands.

MR. K. R. ELENKATH (*Kalkulam I*): Are there teachers who are not trained with 16 years of service?

MR. R. M. STATHAM (*Director of Public Instruction*): There are untrained teachers with even 20 years service.

The Alwaye Village Panchayat Court.

34. ***MR. M. K JANARDANA KAMATH** (*Commerce and Industry, North*): Will the Government be pleased to state the names of the present Judges of the Alwaye Village Panchayat Court ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

1. Mr. E. V. Abraham, B. A., & B. L., President.
2. Mr. P. Kumara Pillai, Senior Judge.
3. Mr. K. S. Raman Pillai, Judge.
4. Mr. P. K. Makkar Do.
5. Mr. Joseph Antony Do.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): Are the Government aware of the fact that persons mentioned as items 2 and 3 of the answer are closely related to each other ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government are not aware of that fact.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): May I know from the member whether before selecting the members for the Panchayat Courts, enquiries are made to know whether they are related ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Appointments are made on the recommendation of the District Magistrates and Government presume that the District Magistrates should have made the necessary enquiry before they made the recommendation.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): May I know whether it is desirable to appoint persons who are related to each other as Judges in the same court ?

PRESIDENT: It is a matter of opinion.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): Can justice be properly administered?

PRESIDENT: That is again a matter of opinion.

MR. T. K. VELU PILLAI (*Trivandrum- Urban*): Is there not a rule preventing Government officers appointing their relatives in service ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am not aware of such a rule.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Will the member refer to the Revenue Manual for the rule ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I shall be very glad to do so.

Police cases in the Kallara Market.

35. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state :

(*a*) how many cases the Police at Pangodu Out-post, under the jurisdiction of the Nedumangad Police Station, have reported as having occurred in the Kallara market on market days in the years 1107, 1108 and 1109, respectively ;

(b) in how many cases the Police have filed regular complaints before the Nedumangad Stationary Second Class Magistrate's Court,

(c) in how many cases the Police have put in regular charge-sheets;

(d) how many cases ended in conviction and what their file numbers are; and

(e) how many cases are pending disposal and what their numbers are?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): (a) to (e). A *statement furnishing the required information is laid on the table.

MR. S. J. NAIR (*Nedumangad*): With reference to answer given in Appendix V with regard to the case charge-sheeted by the Nedumangad Police in 1108, may I know from the Government whether that case is for any offence that took palce on any market day?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I could not tell off-hand.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the offence has been charge-sheeted by the Nedumangad Police as having taken place inside the market?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I think so, as these are cases which occurred in the Kallara market.

MR. S. J NAIR (*Nedumangad*): Is it so stated in the Police charge-sheet that the offence was committed on a market day?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, the case is pending before the Police and it is a matter *sub-judice*.

MR. S. J NAIR (*Nedumangad*): No case is pending before the Police, Sir. The case has been charge-sheeted.

PRESIDENT: Well, he must be aware of it.

MR. S. J. NAIR (*Nedumangad*): I did not get an answer, Sir.

PRESIDENT: Well, he has bomb-shelled.

MR. S. J. NAIR (*Nedumangad*): That bomb-shell is not right. It is not a bomb-shell but a paper ball (*Laughter*).

PRESIDENT: Well, Mr. Sivatanu Pillai, on what authority did you say it is bomb-shelled?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I understand that the case charged before the Police may be referred to the court of law and if the case is still pending adjudication, it is a point of order whether a case pending before a court may be discussed by way of supplementary questions.

MR. S. J. NAIR (*Nedumangad*): My friend says it is not before the court of law. With reference to the answer supplied in Appendix V it is seen clearly printed...........

PRESIDENT: What is the exact point you are at?

MR. S. J. NAIR (*Nedumangad*): My point is whether the case that is pointed out in Appendix V of the answer was for an offence said to have taken place inside the market and on a market day.

**Vide* Appendix V.

PRESIDENT: If the case is now before a court of law, any answer that may be given in this House may prejudice the case.

MR. S J. NAIR (*Nedumangad*): Sir, it is not pending. It has been compromised.

PRESIDENT: So you are aware of the case!

MR. S. J. NAIR (*Nedumangad*): Sir, it is so given in the answer.

Police cases in the Pangodu Market.

36. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many cases the Police at Pangodu Out-post, under the jurisdiction of the Nedumangad Police Station, have reported as having occurred in the Pangodu market on market days in the years 1107, 1108 and 1109, respectively;

(*b*) in how many cases the Police have preferred regular complaints before the Nedumangad Stationary Second Class Magistrate's Court;

(*c*) in how many cases the Police have put in regular charge-sheets;

(*d*) how many cases ended in conviction and what their file numbers are; and

(*e*) how many cases are pending disposal and what their numbers are?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): (*a*) to (*e*). A statement furnishing the required information is laid on the table.

MR. S. J. NAIR (*Nedumangad*): With reference to the answer given in Appendix VI, I wish to point out to the notice of Government that in the last Session of the Assembly an answer was given to me that no market known as the Pangodu market existed. But it is found from the answer given to me for question 36 that there is a market known as the Pangodu market in the Vamanapuram pakuthi and that that market was conducted there and cases were detected.

RAO BAHADUR N. RAMANUJA AIYAHGAR (*Commissioner of Police*): Sir, the statement given is a statement of Police cases which have occurred in the Kallara market.

MR. S. J NAIR (*Nedumangad*): Sir, as a result of the answer, I wish to draw the attention of the Chair to a fact that took place in the last Session of the Assembly. To a question that was put by me to Government whether there was a market at Kallara in the year 1108 the answer given was that there was no market and for that reason no license was given. It is seen from the answer supplied to me now that there was a market at Kallara in 1108 and the market was held and that offences have taken place inside the market. I wish to draw the attention of Government that such incorrect answers may not be supplied to us and we shall not be befooled like this by the authorities concerned.

**Vide* Appendix VI.

PRESIDENT : Will the Government member take notice of that?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) I shall make an enquiry.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) I): Sir, can question-time be taken up by giving explanations on answers and things that arise out of them?

PRESIDENT : The member is drawing the attention of the Chair to the fact that a particular answer that has been given is incorrect, incorrect in the sense that it condradicts a similar answer given at the previous session. Of course, the Chair should not allow incorrect answers to be given by the members of Government. It ought to be taken notice of.

Traffic branch of the Police Department.

37. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the Police Commissioner has submitted any scheme or report to Government for the abolition or amalgamation of the Traffic Department;

(*b*) the nature and the date of the scheme or report;

(*c*) the action taken by the Government on such scheme or report; and

(*d*) if the answer to part (*c*) is in the negative, the reasons for the same?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) No.

(*b*), (*c*) and (*d*). These do not arise in view of the answer to part (*a*).

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether the Police Commissioner has considered the question of amalgamation of the Traffic Department?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I have been considering, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the result of such consideration?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): In view of the Road Railway Committee Enquiry that is going on, it is quite possible that we may have to change our methods altogether to be in line with what happens outside Travancore and in view of that fact it may not be advisable, I think, to bring about any changes at the present moment.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the considerations which weighed with the Commissioner for considering the question?

PRESIDENT : You need not answer that.

Undetected theft cases in the State.

38. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) the number of undetected theft cases in the State in 1107, 1108 and 1109; and

(*b*) the total value of the properties involved in the above cases in 1107, 1108 and 1109, respectively?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): (*a*) and (*b*). A *statement furnishing the required information is laid on the table.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether Policemen have been posted in any of the places where from these thefts have been committed?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It is not possible to post Policemen in every place where a theft occurs.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the circumstances under which a Policeman would be posted in any place?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): There is no posting of any man in any particular place except in a town where we have got the point-man.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether additional Policemen have been posted in the Police Commissioner's Bungalow after the occurrence of the recent theft?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): There have been no additional men posted, but I have got a couple of men more to be on duty.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Was it on account of the recent theft?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether those additional men are from the Police force or private men engaged by the Commissioner?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): They are men of the Reserve Police.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether there is any area in the State where beat constables do not go?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): No; none.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether action has been taken against the beat constables of the places from which these undetected thefts took place?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, they have been taken to task.

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* *Vide* Appendix VII.

Tuberculosis Sanatorium.

39. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*) With reference to the answer to the question reported at page 97 of Vol. II of the Sri Chitra State Council Proceedings, regarding the establishment of a sanatorium in South Travancore for the treatment of tuberculosis will the Government be pleased to state :

(*a*) the result of the consideration of the Government regarding the selection of a suitable site for the Tuberculosis Hospital ;

(*b*) the action taken by the Government in the matter and

(*c*) the date of the sanction, if any, for the establishment of a sanatorium in Travancore ?

MR. JAMES SIMPSON (*Darbar Physician*) : (*a*) and (*b*) A site has been proposed by the Land Revenue Department for the establishment of a Tuberculosis Hospital in the Agastisvaram taluk in South Travancore. The Darbar Physician and the Chief Engineer have been asked to examine the suitability of this site for a Tuberculosis Hospital.

(*c*) Government have not sanctioned the establishment of a Tuberculosis Sanatorium in Travancore.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member how the Land Revenue Department disposed of this file ?

MR. JAMES SIMPSON (*Darbar Physician*) : The matter has been under the consideration of Government ; a scheme has been put before the Government by the Medical Department and Government considered the scheme advisable.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member the date of the proposal sent up by the Land Revenue Department ?

MR. JAMES SIMPSON (*Darbar Physician*) : I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member whether the Darbar Physician and the Chief Engineer have examined the suitability of the site?

MR. JAMES SIMPSON (*Darbar Physician*) : No.

European Nurses in the General Hospital.

40. ***MR. A. EASWARA PILLAI** (*Kalkulam II*) : Will the Government be pleased to state :

(*a*) the number of European nurses in the General Hospital, Trivandrum ;

(*b*) whether all the European nurses are trained nurses ; and

(*c*) whether volunteering and untrained nurses are given charge of wards ?

MR. JAMES SIMPSON (*Darbar Physician*) : (*a*) Seven.

(*b*) Yes.

(*c*) No.

Recruitment of Police Inspectors.

41. ***MR. K. PADMANABHAN** (*Chirayinkil I*) : Will the Government be pleased to state the principle followed by the Commissioner of Police in appointing clerks in the Police Department as acting Inspectors ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Only graduate clerks are selected for promotion to the Inspector's cadre.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether seniority is also one of the principles followed in such appointments?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, seniority is also considered.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there is any instance in which seniority has been overlooked in making appointments as Inspectors?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot tell now.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether one Mr. Subramonia Pillai, a clerk in the Kottayam District Superintendent's office has been appointed as an Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I believe he has been.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there are clerks who are senior to him either in the Police Commissioner's office or in other offices?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commisssioner of Police*): There may be.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the special reason which weighed with the Commissioner in appointing Mr. Subramonia Pillai in preference to his seniors in the Department?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It might have been for very many reasons. The appointment may have been for a very short duration.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether his appointment was objected to by the Government on the ground that he is a junior man?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I claim notice.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether his appointment was first made on the understanding that the appointment is to be without prejudice to the claims of his seniors?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I have no idea. I claim notice.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether he has been appointed twice as acting Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I claim notice.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether efficiency is also taken into consideration in addition to the seniority?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Certainly.

PRESIDENT: The time has expired and therefore no more questions will be asked to-day.

Appendix I

***Vide* Answer to Question No. 28.**

Statement regarding agricultural loans applied for and disbursed in Tovala and Agastisvaram.

No.	Taluk.	Particulars of amounts.	Year.		
			1107	1108	1109
			Rs.	Rs.	Rs.
1	Tovala	Amount of loan applied for	13,000	13,450	11,100
	Do.	Do. disbursed	4,025	5,450	200
2	Agastisvaram	Amount of loan applied for	18,500	9,400	7,950
	Do.	Do. disbursed	4,900	5,250	2,000

Appendix II.

***Vide* Answer to Question No. 29**

STATEMENT I.

Statement showing the yearly amount allotted for the years 1100 to 1109 and the amount actually spent in these years for the P. W. D. Southern Division.

	Year	Allotment Rs.	Expenditure Rs.	Remarks.
1	1100	3,74,598	3,68,011	
2	1101	4,26,511	4,81,166	
3	1102	4,48,448	3,47,145	
4	1103	4,32,711	4,37,199	
5	1104	4,00,785	3,86,561	
6	1105	4,10,669	4,05,012	
7	1106	3,62,768	3,40,706	
8	1107	2,82,987	2,83,100	
9	1108	3,30,578	3,03,900	
10	1109	3,75,737	3,78,825	

STATEMENT 2.

Statements howing the amounts actually spent on Original Irrigation works and maintenance Irrigation works and maintenance of Irrigation tanks during the years 1100 to 1109 for the P. W. D. Southern Division.

	Year.	Original Irrigation works.	Maintenance of Irrigation works.	Maintenance of Irrigation tanks.	Remarks.
		Rs.	Rs.	Rs.	
1	1100	67,477	59,455	3,776	
2	1101	1,55,314	58,974	3,215	
3	1102	75,724	55,974	2,166	
4	1103	67,440	58,884	3,250	
5	1104	31,284	59,395	3,011	
6	1105	35,014	58,241	3,083	
7	1106	46,485	60,113	3,170	
8	1107	33,963	58,448	2,219	
9	1108	56,571	57,835	3,171	
10	1109	62,121	59,765	3,348	

Appendix III.

Vide Answer to Question No. 30.

(i) List of persons who have been appointed as permanent delivery peons in Anchal Offices in the Mavelikara Division from 1-1-08 up to 17-11-109 with the dates of their first entertainment and total service.

No.	Name.	Date of 1st entertainment.	Total service on the date of confirmation.			Remarks.
			Year.	Month.	Days.	
1	V. Raghavan Pillai ...	2-8-101	6	11	8	Acting service.
2	T. D. Madhavan...	8-7-103	5	0	1	Acting service Hindu Pulaya.
3	K. Ananthan Pillai ...	1-4-106	2	4	0	Permanent service (Disbanded runner absorbed as peon.)
4	C. G. Chacko ...	18-10-103	5	0	19	Permanent service (Permanent runner promoted as peon)
5	C. Raghavan Pillai ...	1-6-103	5	8	0	Permanent service (Permanent runner promoted as peon)
6	N. Mytheen Pitcha Rowther ...	17-5-109	0	3	1	Acting service Mahommadan with V. S. L. C.

Appendix III. *(contd.)*

(ii) List of persons who are now acting as Anchal peons in Anchal offices in the Mavelikara Division with the dates of their first entertainment and total acting service.

No.	Name.	Date of 1st entertainment.	Total acting service. Y.	M.	D.	Remarks.
1	T. K. Parameswaran Pillai ...	2-9-98	2	11	8	
2	K. V. Parameswaran Pillai ...	15-12-98	3	0	16	
3	P. G. Narayana Pillai ...	18-2-102	4	11	3	
4	Nilakanta Kurup ...	9-1-102	3	10	8	
5	K. Kunjan Pillai ...	9-12-102	5	7	9	
6	Gopalan Unni ...	19-1-104	4	3	27	
7	A. Parameswaran Panickar ...	19-3-105	1	11	17	Hindu Washerman.
8	M. K. Vasudevan Nair ...	23-4-104	2	6	6	
9	N. Krishna Pillai ...	15-6-102	4	1	17	
10	P. Vasudevan Nair ...	1-7-105	1	8	24	
11	K. G. Kuttan Pillai ...	5-1-106	0	11	14	V. S. L. C
12	M. K. Varughese ...	1 -8-107		1	2	Do.
13	I. Geevarghese ...	17 12-108			19	Do.
14	N. Sankaran ...	3-1-109		2	21	Chacka (Hindu.)
15	T. K. Azhakan ...	12-8-107		5	6	Hindu (Pulaya.)
16	S. Parameswaran Nair ...	23-9-108		1	15	V. S. L. C.
17	Kochukunju Panickar ...	14-6-108		3	7	Hindu Kuravan.

Appendix IV.

***Vide* Answer to Question No. 31.**

Statement of appeals filed in 1109 by teachers of Private Schools.

Serial No.	Date of registration.	Date of disposal.
1	10-11-1933	17-9-1934
2	2 7-1934	4-10-1934 (Re-entertained.)
3	6-8-1934	Referred to the Divisional Inspector of Schools, Trivandrum.
4	8-5-1934	Do. Inspectress of Girls' Schools Trivandrum.
5	30-8-1933	Do. Divisional Inspector of Schools, Tiruvalla.
6	28-6-1934	Do.
7	22-6-1934	Do.
8	19-6-1934	Do.
9	8-6-1934	Do.
10	2-8-1934	Do.
11	4-8-1934	Referred to the Divisional Inspector of Schools, Quilon.
12	25-10-1933	Do.
13	22-10-1933	Do.
14	Do.,	Do.
15	31-1-1934	Do.
16	27-7-1934	12-9-1934
17	28-10-1932	Referred to the Divisional Inspector of Schools, Quilon.
18	Do.	Do.
19	18-7-1934	18-9-1934
20	21-6-1934	2-10-1934
21	14-6-1934	10-10-1934
22	14-8-1934	5-9-1934
23	7-2 1934	22-9-1934
24	6-3-1934	Referred to the Divisional Inspector of Schools Muvattupuzha
25	23-1-1934	(Re-entertained from 1-12-1109.)
26	9-6-1933	1-2-1934 (Re-entertained.)
27	26-7-1933	21-1-1934
28	19-8-1933	29-8-1933
29	5-9-1933	Referred to the Inspector of English Schools.
30	14-9-1933	7-2-1934
31	12-10-1933	8-5-1934
32	16-10-1933	5-12-1933
33	24-11-1933	29-11-1933
34	6-1-1934	14-1-1934
35	26-2-1934	6-3-1934
36	27-4-1934	3-5-1934
37	25-5-1934	5-6-1934
38	26-5 1934	5-6-1934
39	13-6-1934	16-6-1934
40	25-4-1934	2-11-1934
41	20-7-1933	31-5-1934 (Re-entertained.)
42	31-12-1933	6-3-1934
43	10-10-1933	24-11-1933
44	24-10-1933	6-11-1933
45	29-5-1934	Referred to the Inspector of English Schools on 6-6-1934
46	19-4-1934	30-4-1934
47	21-6-1934	27-6-1934
48	8-7-1934	12-7-1934
49	5-7-1934	3-8-1934

Appendix V.

***Vide* Question No. 35.**

Statement of Police cases in the Kallara Market.

Year.	Cases reported to have occurred in Kallara market on market days.	Cases in which the Police have filed regular complaints before the Nedumangad Stationary Second Class Magistrate.	Cases in which Police have put in charge-sheet.	Cases ended in conviction with file No.	Cases pending disposal and their Nos.
	(a)	(b)	(c)	(d)	(e)
1107	1	1	...	1. No. 52/07 on the file of the 2nd Class Magistrate.	Nil.
1108	1	...	1	Compromised. C. C. No. 427/08 on the file of the 2nd Class Magistrate, Nedumangad.	Nil.
1109	Nil.	Nil.	Nil.		Nil.

Appendix VI.

[*Vide* Question No. 36

Statement of Police cases in the Pangode market.

Year.	Cases which the Police at Pangode O. P. reported to have occurred in Pangode market. (a)	Cases in which the Police have preferred regular complaints before the 2nd Class Magistrate's Court. (b)	Cases in which the Police have put in regular charge-sheets. (c)	Cases that ended in conviction with file Nos. (d)	Cases pending disposal with their Nos. (e)	Remarks.
1107	...	...	...	...	...	...
1108	...	...	...	...	...	...
1109	1	1	...	...	...	Discharged under Section 222 C. R. P. C. C. C. No. 273/09 2nd Class Magistrate, Nedumangad.

Appendix VII.

***Vide* Question No. 38**

Undetected theft cases in the State.

Year.	Number of cases. (a)	Value of property involved. (b)		
		Rs.	Chs.	C.
1107	116	11,289	2	11
1108	137	11,527	13	0
1109	110	15,752	20	7

PRESIDENT : The time has expired and therefore no more question will be asked today. I have notice of two adjournment motions. The first is this : "I have the honour to beg leave to make a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, *viz.*, the great annoyance and hardships caused to the merchants and travelling public by the plague special officers posted at the Travancore Frontiers such as Arookutty, Edapally, Veluthully, Alwaye etc., etc., by the arbitrary and irregular exercise of the preventive measures thereby giving room for much extortion and corruption." I have to decide whether that motion for adjournment is admissible. The Honourable members may be aware of the rules relating to motions for adjournment. It has been laid down that the motion must be restricted to a specific matter of recent occurrence. In this case Honourable members may be aware that the plague measures have been in operation in that area for over two months now. It is therefore not a matter of recent occurrence and in the second place, beyond a general complaint which has been made in this motion regarding the working of the plague areas on the frontier, there has been no single incident brought to notice for this motion being discussed as a motion for adjournment of the House. For these two reasons I rule this motion out of order.

There is another motion : "The utter inefficiency of the police, as evidenced in connection with the investigation of the Manjoor rape and murder incident and the consequent feeling of insecurity felt by the public". Well, my ruling on that motion will be this. The motion must be restricted to a specific matter of recent occurrence. Inefficiency of the police is not a matter of occurrence. If there is a matter of occurrence in this motion it is the Manjoor rape and murder incident. So far as that matter is concerned it is already in court and to debate on police inefficiency and hang it on to that incident would be to prejudice the case. Therefore it is inconsistent with public interest to allow a debate on this motion.

Well, Honourable members may be aware that it was our hope and expectation that a few main items which were placed before the House yesterday for consideration, namely, supplementary demands and the consideration of the Report of the Public Accounts Committee will be finished before the House rose for the day. It is found that only one item has been transacted and it is over. So the consideration of the Report of the Public Accounts Committee will commence now. The procedure that I lay down will be as follows :—

The Financial Secretary will now present the Report of the Public Accounts Committee and move that it be taken into consideration. This is the first time that this House has been called upon to exercise the privilege of discussing the Public Accounts Committee Report and it will be useful to enlighten the House on the procedure that is to be followed for this debate.

The Financial Secretary's motion need not be seconded, as it is not a real substantive motion, but only a formal device for initiating a discussion on the Report before the House. Notice has been given of

[President

two resolutions and they too need not be seconded. The resolutions will be put to vote at the conclusion of the debate; but following the practice in the Legislative Assembly, the motion made by the Financial Secretary will not be put to the vote of the House. Under Rule 14 of the Public Accounts Committee (Supplemental) Rules, I had allotted for the purpose the time that would have been left over yesterday after the discussion of the demands for supplementary grants. But the whole day having been taken up by the demands for supplementary grants, I have allowed debate on the Public Accounts Committee Report before official legislative business is taken up.

The debate on the motion of the Financial Secretary and debate on the two resolutions when moved, will proceed together. The members can speak on the Report generally and those members who have given notice of resolutions may also make general observations on the Report and move the resolutions. As the full one hour has been taken up by questions and answers, the time available today is only 2½ hours, as the adjournment motion comes up at 3·30 in the afternoon. The House can use all the 2½ hours for the debate, and the official legislative business posted for the day will come up tomorrow. To enable as many members as possible to participate in the debate, a maximum of ten minutes will be allowed to every member, including those who move resolutions.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Sir, I rise to present the Report of the Public Accounts Committee on the Audit and Appropriation Accounts of 1108 M. E. and move that the Report be taken up for consideration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, as it has been already observed by the Chair this is the first time that we are discussing the Report of the Public Accounts Committee. We wish to state at the very outset that after studying the Report as we have been able to study and comparing it with the Reports of Public Accounts Committees in British India, especially the Public Accounts Committee Report of the Government of India, I find it is difficult to call this a report on the expenditure and financial policy followed by Government during the year 1108. We are handicapped by another fact that since we are discussing the expenditure that has been incurred and the financial policy adopted by Government in 1108, really, we have in it the interest only of an enquiry on an ancient topic. In spite of the certificate so generously given by the Public Accounts Committee and conveyed by the Chair on their satisfaction of the very able manner in which the Financial Secretary has given the facts, I say the report is quite disappointing and the available details have not been placed in their entirety or the frankness that ought to be expected from the Financial Secretary. The irregularities have not been clearly pointed out, the inaccurate estimates have not been explained. They have been explained in a general way as is usual with him. The development of the departments have been going on and with that the expenditure as a whole, and the difference between

estimated expenditure and actuals, have been explained as being generally due to the developments that were going on in the various departments. I wish to point out specifically one instance and I wish that this House will take very serious notice of that fact and that is in regard to an item of expenditure for which I do not know on whom I should fix the responsibility; but I consider it a matter of first class financial importance and it is an abuse of the rules and hence an irregularity of which nobody can be absolved. The Financial Secretary gives explanation in regard to several items as has been stated and attempted to state the reason which is no reason or the explanation which is no explanation on this matter and it is unconvincing. I refer to the diversion of ·01 of a lakh of rupees allotted to the Water Works, Trivandrum, being diverted for the purpose of providing V bolts to the Neendakara Bridge. Sir, it is not an item provided in the Budget. It was not granted by a supplementary grant, nor was it authorised under the emergency clause. There are certain rules for the expenditure of items or grants that have been published which the learned Financial Secretary has been good enough to bring to our notice in his Audit and Appropriation Report. I think he offends many of the rules but this unauthorised irregularity and unjustifiable diversion of the amount comes specifically under one of the rules in the Account Code. I will read the relevant rules in the Account Code, Chapter III, rule 4. Now the grants made for the use of the Willingdon Water Works and which was provided in the budget has been utilised for the purpose of purchasing V bolts for preventing the rattling of the Neendakara Bridge. There was no separate budget head under the item 'Neendakara Bridge.' I was looking into the budget but I could not find any such provision. So this has been diverted from a fund that has been allotted by this House for a specific purpose. And this has been done without the authority of this House or without any other proper authority and I find the very wonderful explantion given by the Financial Secretary. His explanation is this:

> "The expenditure of a sum of Rs. ·01 of a lakh under Capital Expenditure—for construction of a bridge across Neendakara Bar when there was no budget provision was examined and it was found that necessary provision had been made by diversion from the allotment for Trivandrum Water Works. The expenditure was unforeseen at the time of the budget as it related to the fitting up of V bolts to the planks in the Neendakara bridge to prevent rattling."

Sir, can it be imagined that Government were not aware of the rattling of the Neendakara Bridge at the time when this budget was prepared? Even if they were not aware of the rattling let us take it to be so. Any officer who has gone across the Neendakara Bridge could have felt the rattling before that. The rattling existed even soon after the work was finished and before the contractor was paid and sent away. Government ought to have looked into it. It is such a wonderful thing that the Government was not able to foresee this when they prepared the budget. Now the expenditure comes up all on a sudden. Let us take it that the Secretaries were incompetent to foresee to it earlier. Even then there is a regular method of getting this amount sanctioned by resorting to the device of a supplementary grant. Sir,

[Mr. K. Kunjukrishna Pillai]

this is a very important matter. You should not allow officers of Government, whoever they might be, to nullify the rules and Regulations and thus to overreach this House. Let it be the expenditure of a pie. What explanation can the Financial Secretary offer to this House for the mistake he has committed? The Financial Secretary ought to have appologised for this irregularity before the Public Accounts Committee and this House; then I could have understood it and I would not have brought this motion before the House. But he tried to shilly-shally with us. He attempts to convince us that this is a very regular method. When one of the members of the Committee finds out that there is an irregularity in this he wants to put it as a regular provision. But my question is who authorised him to do it. What is the rule which empowers him to divert the money not provided for in the budget for such expenditure. Moreover there is a specific rule preventing him to do this. Can the Financial Secretary think that he is dealing with his private money and can he do anything he likes with it? That is why we find in civilised countries Public Account Committees and such similar bodies are appointed to scrutinise the expenditure of funds and these are not made for being explained away. At the very start of this discussion, you, Sir, would have taken notice of this fact. So we have to enter a caveat against the irregular conduct of the Financial Secretary by which he has tried to overreach this House. This should not be allowed hereafter. I am sure, you, Sir, will take serious notice of the act as the coustodian of the rights and privileges of this House that such an example of open violation of the rules should not be allowed to pass uncensured. No Financial Secretary or any other Head of Department should think of attempting to do any such action in the future. That is the resolution that I wanted to bring for the consideration of this House.

PRESIDENT: I will allow you two minutes more.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Generally, I wish to say a few words about the evidence taken by the Committee from the members that they examied. Sir, in British India such evidences are compiled in separate volumes and published as full reports. Here also the evidence of officers are valuable to us for discussion and they must be printed. I think that would be very helpful for the proper discussion of the Committee. With these words I move formally my resolution;

"This Assembly recommeuds to Government to take serious notice of the irregularity in the expeneiture of a sum of Rs. ·01 of a lakh under capital expenditure by diversion from the allotment for Trivandrum Water Works."

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, it is a very valuable privilege that has been extended to this House by appointing a Committee under the statute itself to look into the expenditure of the State finances and scrutinise the same and to submit a report. The first difficulty which I feel in the proper discharge of the functions of the Public Accounts Committee in this House is the absence of a proper officer to audit the State finances and to submit a report. It is the

Account Officer who is the chief person responsible to the Government for expenditure of State finances and he is to submit the audit report. If there are irregularities in the mode of expenditure or in the mode of sanction it is due to this double function of the Account Officer. In all civilised countries we find that there is a proper and efficient system of audit. Even the Government of India has got an auditor who is appointed by the Secretary of State for India and whose report is sent to the Secretary of State for India. Here there is an absence of such an officer. What do we find in the audit report here? Here we find a misappropriation of a few rupees here and a few rupees in an Anchal office or some-where. Such serious irregularities which are likely to happen in the administration of a State's finances are not brought to the notice of the public. It is due to the absence of an officer directly responsible to the Sovereign and independent of the executive to audit the State's finances. Unless there is sufficient provision for that we are to content ourselves with what we have at present. That is my first submission.

The next point which I wish to place before this House is about the manner in which estimates are prepared for purposes of asking for grants and the manner in which they are spent. When we want the Government to spend the amount for the urgent needs of the country we are told that we have no funds while we find the estimates of a particular department recognised and sanctioned by Government contain amounts much more than what is necessary for the expenditure for the particular year. If we look into the Audit and Appropriation Report at page 57, we find that for 12 departments under 12 heads there was a demand for 98·72 lakhs of rupees in the original budget for 1108 and the amount that has been spent actually is only 95·97 lakhs of rupees. That means that even out of the amounts that had been sanctioned in the original budget there was a surplus of 2·275 lakhs of rupees which was not spent by the department. At least there must be a convention that the surplus amount must be surrendered to Government in order to enable Government to spend for more urgent works. The department seems to be quite unaware of that procedure. I am looking into the Appropriation Report of the previous years and there is no such thing as surrendering the amount before the close of the year. When there was so much balance we find there is an additional sanction of 2·38 lakhs of rupees for 1108. My submission is that by this mode of asking for demands and getting them sanctioned the Government are depriving the means of meeting the urgent needs of the country on the grounds of want of funds and so Government should take very serious notice of that as well.

The resolution which I wish to move for the consideration of this House is this:

> "This Assembly recommends to the Government that severe steps must be taken against the delinquents for the irregularities noted in paras. 16 to 18 of the Audit Report as the explanation given by the Conservator before the Public Accounts Committee is unsatisfactory."

[Mr. A. S. Damodaran Asan.]

Sir, at page 72 of the Audit Report it is stated that a certain contractor was asked for working down 15,000 C. ft. of teak wood from the Reserves before the close of 1107. He was not able to finish the contract before the close of 1107. He applied for extension. What is stated here is that if any extension is to be given to the contractor on a contract which was sanctioned by Government it is the Government that should sanction the extension.

If the contractor delays to execute the contract, he is bound to pay a penalty. That penalty also is to be waived by the Government. It will be seen that, in this case, the contractor was bound to finish the work before the close of 1107. Extension was granted to him from Kumbham 1108 for four months. It is not clear what happened in regard to the period from Chingam 1108 to Kumbham. It is not stated anywhere that extension was granted for that period.

The Report says that the Conservator has no power to waive the penalty and that he must obtain the necessary sanction for that from Government, as if, for the mere asking, he could get such sanction from Government. The only punishment that is meted out to the Conservator for doing a thing, which he is not empowered to do, is that he must apply for Government sanction which the Government are ready to give him if only he would be prepared to humble himself down to ask for it. And what is the explanation given by the Conservator before the Public Accounts Committee? He claims he has full power to do that and complaints that the Government are usurping his powers.

When the Conservator is asked why extension was not applied for nor granted for the first seven or eight months of the year 1108, he simply says that the Divisional Forest Officer must have overlooked that fact. He is not prepared to concede that it was his duty also not to overlook it and that he was not justified in overlooking it. What is he there for unless it be to look into and rectify the mistakes committed by his subordinate officers?

What I am submitting, Sir, is, that it is only very rarely that irregularities of officers are brought to light; and when they are brought to light, nothing is done. If, Sir, this is going to be the result of the working of the Public Accounts Committee and other Committees and of the discussions in this House, my submission is that all this is mere waste of time and money.

In paragraph 17 it is stated:

> "Similar objections were raised in regard to four other agreements in the same Division. In one of them the Head of the Department had granted extension of time subject to the recovery of a fine of half a chuckram per c. ft. on the quantity short removed. Sanction of Government was asked to be obtained in all the above cases also."

The Conservator does not care to get Government sanction; it is the Government that asked him to obtain Government sanction.

Paragraph 18 shows that trespass took place in 1106 and that it was only in 1108, two years afterwards, that the department came to know of it and found out that the Range Officer had omitted to do what he was bound to do. And, after discovering the commission of the offence, here also, the department is not bold enough to bring the offender to book. What is stated is :

"The offender however agreed to pay............"

I do not understand the force of the expression 'however agreed'. It looks as though, by agreeing to pay the compensation, he was doing something which he was not bound to do, and that he was doing it as a matter of grace. In a weak moment, as it were, the offender agreed to pay a compensation of Rs. 90, the contractor standing as his surety. But the Range Officer waited for two years until the contractor, the surety, became insolvent. It is stated :—

"Through the Range Officer's negligence the amount remained unpaid till Meenam 1108 by which time the contractor became an insolvent. It was recommended that the amount thus lost may be recovered from the Range Officer concerned."

What I am submitting is that, if the irregularities of any officer are detected and if such irregularities have resulted in loss to Government, all that is done is that the officer is asked to recoup the loss incurred by Government. That is why nobody hesitates to hoodwink the Government of its revenue. My submission is that in such cases Government should take very serious notice of the conduct of the delinquents and punish them severely. What we find here, in Travancore, is that officers may commit any kind of irregularity without fear of being found out. Even if they are found out it is very difficult to bring them to book. And, if in one in a thousand cases, the officer is brought to book, it is with very great reluctance that the Government think of punishing him. And, what is the punishment? Four or five years after the commission of the offence, the officer is merely asked to recoup the loss incurred by Government. If, in any instance the officer is punished, two or three years hence his offence is condoned, he is reinstated and his full salary, for the period of punishment, is paid to him with all arrears due.

PRESIDENT : The fault lies with the members of the bar who appear on behalf of these offenders.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : My submission is that Government must be able to resist the pursuasion of the members of the bar in such cases.

PRESIDENT : Good : thank you for that suggestion.

MR. M SIVATANU PILLAI (*Tovala*) : Is it not the duty of professional lawyers to take up briefs when they are approached ?

PRESIDENT : We are not now discussing the ethics of the profession of law.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : All that I am now submitting is that whenever irregularities are brought to the notice of

[Mr. A. S. Damodaran Asan]

Government, they must give deterrent punishments to the offenders concerned, especially in cases where the offences committed have been sufficiently proved. Otherwise, there is no safety for the people.

I would therefore request the House to lend their unanimous support to this resolution of mine.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I submit, Sir, that the proceedings of the Committee have been framed in such a way as to give rise to an impression in the minds of those who go through the Report that the representatives of this House on the Committee were either in-attentive to what was taking place in the Committee or were not sharp enough to see through things.

PRESIDENT: Let us not cast reflections on each other.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Certainly not all that I said was that the Report has been framed in such a way as to give rise to that impression. I did not say that they were actually inattentive or were not sharp enough.

PRESIDENT: They did fight very boldly and energetically.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I ask whether the members to that Commitee were not elected by this House?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Yes, and so it is I say that the fault lies with the framers of the Report.

MR. K R. ELENKATH (*Kalkulam I*): I did not hear what the member observed about the members of the Committee.

PRESIDENT: You were either inattentive or ... ...

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Were not sharp enough.

At page 12 it is stated:

> " Mr. Karunakaran further wanted to know the nature of the tour and whether the Director of Industries attempted to enlarge the existing markets or to create new markets for our articles in the big centres of trade he had visited. The Chief Secretary to Government stated that a Trade Agent had since been appointed in Bombay and that he would attend to all these items of work."

Mr. Karunakaran asked for definite information about the object of the North Indian tour of the Director of Industries and the Chief Secretary's reply was that a Trade Agent had since been appointed. (*Laughter.*) It is impossible that Mr. Karunakaran, or anybody else, would have been satisfied with such an answer. The only probability is that theChief Secretary's reply has not been quoted fully in the Report.

Again, at page 11, it is stated that Mr. Karunakaran remarked that the Trivandrum Sales Depot was not working on a remunerative basis and that he therefore suggested that the Depot might be closed. To this it is stated that the Chief Secretary replied that the Ootty Sales Depot had been closed. (*Laughter.*) I submit, certainly, this could not have been the reply given by the Chief Secretary.

A very important suggestion that was made by Mr. Karunakaran himself, in regard to sales depots, was this.

> "If money were spent on advertising Travancore goods in foreign countries such as Australia, just like what the Mysore Government are doing in respect of their Sandal Wood Oil and soap or in public places such as Travellers' Bungalows and Public Offices it was likely to produce much better results."

And the reply, as we find in the Report, is :—

> "It was resolved that the rates of commission charged on articles kept for sale in the Depot may vary from 5 to 15 per cent according to the nature of the articles sold."

I would therefore suggest, Sir, that more pains are taken, at least in future, in the preparation of such reports. We would like to have more details about the proceedings of the Committee.

In regard to the irregularities of the Forest Department, about which the Conservator of Forests, Mr Dhanukoti Pillai, was examined by the Committee, I dare say the irregularities could not have escaped the notice of the members of the Committee. I am sure the Conservator would have been questioned by the Committee about the various items specifically shown in the Appropriation Report. But judged from what we find in the Report, no substantial work seems to have been done in this direction, by the members of the Committee. Therefore, in the interests of non-official members of the Committee, in the interests of fairness and justice it is necessary that the framers of the Report are asked to be more attentive in the framing of the Report.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Sir, it has been stated that the proceedings of the Public Accounts Committee are not reported in full. I may inform the House that the Report has been passed by all the members of the Committee, both official and non-official; and whatever additions or corrections they wanted to make in the Report have actually been carried out. I may also assure the House that the question of giving more details wherever necessary will be considered when issuing the next Report.

The main point raised by Mr Kunjukrishna Pillai was about the diversion of funds for carrying out certain works relating to the Neendakara bridge. No doubt, provision was not made in the budget for the year 1108 for any work relating to the bridge. Towards the close of the year 1107, the Public Works Department ordered certain materials for the prevention of rattling of the bridge. But unfortunately those materials did not arrive in time and they were received only early in the year 1108. The work had to be carried out and the Chief Engineer recommended that a sum of Rs. 1,000 might be diverted for this purpose from the allotment provided for the Trivandrum Water Works. It was expected that a good portion of the allotment provided for the Trivandrum Water Works would lapse at the end of the year and the proposed diversion was accordingly sanctioned by Government. So far as the Legislative Assembly is concerned, all Capital Works are included under one single demand for voting purposes and it is therefore open to

[Mr. R Nilakanta Pillai.]

Government to divert funds from within the grant. So the procedure followed by Government in diverting funds allotted within the grant appears to be unobjectionable. In this connection, it may be stated that during the course of any year, it is quite likely that a number of works may have to be carried out in the Public Works Department which were not actually provided for at the time of the budget. Repairs to flood damages and similar works are instances in point. Such unforeseen works could not be provided for in the budget. These works have nevertheless to be carried out and that has to be done with the funds available within the allotment for the Public Works Department by diversion from the provision for less urgent works. It is possible that the provision made for certain works specified in the budget may lapse at the end of the year and in such cases, the funds thus made available are generally utilised for the execution of other works for which it may not have been possible to provide sufficient funds in the budget.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Under what provision please?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): This is the practice followed everywhere.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Unwritten practice?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In British India and in other Native States the same practice is adopted. Thus the procedure adopted by Government in diverting a small allotment for carrying out a necessary work which was not anticipated at the time the budget was framed does not appear to be open to any serious objection The question of diversion of funds has been however raised by the Public Accounts Committee and instructions have therefore been issued to the Public Works Department that in respect of Capital Works, which have been completed for all practical purposes, any small outlay that would be needed under similar circumstances should be met out of the maintenance allotment for the work. This point has been specifically referred to in the proceedings of the Public Accounts Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member why, if the Government are empowered to divert funds like this for heads not provided for in the budget, the Financial Secretary should give that undertaking?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I shall explain the position, Sir. Neendakara bridge is a Capital Work. Suppose we have in future to carry out any number of alterations or additions to the work. The submission of the completion report in respect of that Capital Work will naturally be delayed and in order to prevent that, it is laid down that in future all additional works in connection with Capital Works such as the Neendakara bridge or the

Neriamangalam bridge, should be carried out out of maintenance estimates. Otherwise, the Capital Works will drag on from year to year and the Public Works Department will treat it as an explanation for not submitting the completion report in time. With a special view to prevent this, the Finance Department has issued instructions to the effect that in future such items of work should be carried out from maintenance estimates and that the Capital Work should be closed as early as practicable.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, Sir, whether the Financial Secretary considers the damages caused by floods and the provision for providing for additional work to the Neendakara bridge are of the same nature in regard to their not being foreseen beforehand?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Government thought that the whole work would be finished by the end of the year 1107. But on account of the materials which had already been ordered for, having arrived only late, this diversion had to be allowed. Such works have to be done and it may not always be feasible to move the Legislature for additional funds. In some cases additional funds may not be necessary, as it may be possible that there may be lapse of funds in the Public Works Department budget.

MR. K. KUNJUKRIHNA PILLAI (*Quilon I*): May I know whether this was not anticipated?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): So far as budgeting was concerned, it was thought that the work in connection with the bridge would be finished in the course of the previous year.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) May I know from the member whether there is no provision to bring in supplementary grants for such items of expenditure.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The money had to be urgently provided for, because the materials already ordered for had to be paid before a supplementary grant could be moved. Further, it was not necessary to move for a supplementary grant because funds were lapsing under the Trivandrum Water Works, one of the items of work included in Demand Capital Expenditure not charged to Revenue.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether he takes the position that if there are funds available he can divert them to any purpose he likes?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): What I mean is that funds could be diverted, in case of urgent necessity, from one Capital Work to another, provided, funds are available within the grant.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the rule with regard to the lump sum sanction for a particular purpose has been followed?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The rule relating to lump sum allotments has not been violated in the present case.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Financial Secretary will explain this point?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The demand moved in the Assembly was for expenditure on all Capital Works together and the item in question was also a Capital Work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the funds were specifically allotted for the Willingdon Water Works?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): No. The demand was for all the Capital Works including the Willingdon Water Works and it was granted by the Council.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I refer the member to Appendix I at page 46 of the budget?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I may invite the attention of the member to the schedule of votable and non-votable grants for expenditure in the year 1108 referred to at page XXVIII of the budget for the year 1108.

MR A. S. DAMODARAN ASAN (*Mavelikara*): What is it that is contained there?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): On that page is published the schedule of voted and non-voted grants, and the allotments voted by the Council under Capital Works are referrd to there.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Shall I refer the member to the first page where a sum of rupees two crores is shown? Does the member thereby mean that all items represented under these Rs. 2 crores will fall under one head and any amount can be diverted from one item to another?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): No, Sir this sum of Rs. 2 crores is the total of several grants voted upon separately by the Legislature.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What is the significance of the expression 'grant'?

MR. R. NILAKANTA PILAAI (*Financial Secretary to Government*): 'Grant' means a demand and several demands have been moved in the Assembly and voted upon separately.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Are we to take it that there are only two classes of grants, namely, the votable and the non-votable?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In that case will the member refer to the page indicated by the Honourable member, that is, page 46 of the budget?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): If the member will kindly refer to page XXVIII of the budget referred to by me he will find that the allotments for all Capital Works have been voted upon in a lump.

MR. A. S. DAMODARAN ASAN (*Mavelikara*); On a point of order, I wish to know whether, when an Honourable member wants an explanation with regard to a statement in a particular page in the budget, it is proper for the official member to refer the former to another page of the budget.

PRESIDENT: If he wants to explain the item he is at liberty to refer to any page in the budget to enable him to do so.

Unfortunately there seems to be some misunderstanding in regard to the word 'grant' and the need for its expenditure for a particular purpose for which it finds an entry in the budget and the Financial Secretary perhaps brought about the confusion by trying to import into the discussion the votable and non-votable grants. We are not at all concerned at this stage with the votable and non-votable grants. All that we are concerned with is what is the amount that we have provided under a particular grant for a particular purpose, whether the money that was entered in the budget under a particular grant for a particular purpose ought to be spent only for that purpose or whether a portion of that money, if it were available, could be diverted for other expenditure. That in essence, is the point to be cleared. One Honourable member asked—does the grant mean votable or non-votable grant? That has nothing, as I said, to do with the present discussion. As Honourable members are aware, the budget is divided into numerous grants, each grant relating to a separate department of activities. Now, in this particular case, our attention has got to be restricted to the grant which deals with public works, for it is in that grant that we find money entered in the budget under what is called Capital Works and under the heading 'Capital Works' a certain amount of money has been entered for expenditure. Now what happens? There is a demand from the same department for expenditure under the same grant for a purpose more or less akin. If it is Water Works here, it is a big bridge there. However, it is for an item of expenditure which, as the Financial Secretary pointed out, could not have been foreseen at the time the budget was prepared. The question was pertinently asked why this was not foreseen. The explanation was that at the time of the preparation of the budget—and remember please that that time is not the date on which the discussion of the budget begins but it is a few months anterior—the Financial Department found that there was ample provision in the budget for the completion of the particular work. They naturally took it for granted that in the following year there will be no need whatsoever for any provision being entered against that work for there was money and they hoped that it would be

[President]

utilised before the end of the year and that the work would be completed. But what was the experience? The experience was that after the whole money entered in the budget was spent and after the work also perhaps was completed the Public Works Department found that there was still some very important item of work to be completed to make the bridge safer. They came up to Government for an additional grant. There was then no provision under that item in the Public Works grant for expenditure on that head. The Finance Department had either to come up before the House and ask for a supplementary demand and say "we did not anticipate this expenditure at the time of the preparation of the budget. We want Rs. 1,000 for this piece of work. Do grant it please ." But instead of asking for more money to be entered, they re-examined their own financial position and as a result of it, they found that Rs. 1,000 could be easily spared from another allotment for this identical piece of work, because the provision entered under "Capital Expenditure" which was of course a rough figure, would not be all needed for expenditure before the close of the year. That is why the Finance Department said "all right, you take this Rs. 1,000 from this particular head which was intended for expenditure in the Water Works Department", and they authorised the Chief Engineer to utilise that money for carrying out a work which is again under the jurisdiction of the Public Works Department and for which, we are now told by the Financial Secretary, no provision was entered for the reasons that he has given. There has been some confusion of thought. Therefore to clear the grounds I have placed the position before you as I have understood it from the Financial Secretary's speech.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the amount spent is included under the item Capital Works or maintenance?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Capital Works.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether this amount could not have been diverted from the public revenue?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The work is a Capital Work and so the necessary provision was diverted from Capital Works allotment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know who are the persons engaged in the construction of the Neendakara bridge?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The main contract was given to Messrs. Braithwaite & Co., I believe. Mr. K. G. Paramesvaran Pillai of Quilon had some subsidiary works in connection with the construction of the bridge.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know what Government means by clause 4, sub-clause (iii) of the rules regarding re-appropriations given at page 59 of the Audit and Appropriation Report, *viz.*, that grants made for a specific purpose and lump sum grants shall not be diverted to other purposes?

PRESIDENT: It is not to be diverted to the detriment of that work. That is what it technically means.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Are the accounts relating to Willingdon Water Works closed?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The completion report for the first stage of the Willingdon Water Works is under preparation.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Then how can we know whether this diversion is to the prejudice of this work or not?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): If the member will kindly refer to the Audit and Appropriation Report, page 36, he will find that a portion of the grant for Water Works had actually lapsed at the close of the financial year.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the month in which this amount was appropriated or reappropriated by the Government? May I know whether it was before or after the first session of the Council?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Government order regarding the diversion of funds is dated the 23rd January 1933.

PRESIDENT: The House will now adjourn. The discussion of the subject may be continued till 3·30. If the House permit that the discussion shall continue throughout the day, that might be done and the non-official members can have the right of reply.

The House adjourned at 1·7 P. M. and re-assembled at 2 P. M. with the Deputy President in the chair.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): It was suggested by Mr. E. V. Krishna Pillai that the answers given in respect of the questions raised relating to the Sales Depot at Trivandrum are not complete.

DEPUTY PRESIDENT. I think that the mention of Mr. E. V. Krishna Pillai's point as to the answer given is not quite relevant.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I submit that the answers given there have been approved by Mr. K. C. Karunakaran himself who raised the question relating to the Sales Depot.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Does it exclude any other member of this House from raising an objection?

DEPUTY PRESIDENT: That may be Mr. Karunakaran's opinion. But his is not the final word on the subject. Whether an answer is relevant or not is a matter for the Chair to decide. So Mr. Karunakaran's approval does not conclude the House.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): As regards the irregularities relating to the Forest Department referred to by various members, the point is that the Audit Department held the view that, as the original contract was entered into with the sanction of Government, the Conservator ought to have informed

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Government when he revised the terms of the contract. On the other-hand, the Conservator held the view, on the basis of the terms contained in the draft contract form prevailing in the Department, that the sanction of Government was not necessary. The Conservator explained the point before the Public Accounts Committee and his explanation was accepted by them.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether that power is given to the Conservator in the agreement ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes. The draft agreement entered into between the contractor and the Conservator of Forests contains a provision authorising the Government or the Conservator to exercise the power of waiver.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know who are the parties to that contract ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Conservator of Forests and the contractor.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the opinion of the member that in the contract entered into between them, the power of Government could be usurped ?

DEPUTY PRESIDENT: That does not arise.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the suggestion of the Financial Secretary that Government have authorised the Conservator of Forests to extend the time-limit ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): According to the terms of the agreement, both the Government and the Conservator are empowered to exercise that power and the Conservator accordingly exercised the same.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, is it his opinion that the observation made by the Finance Department is wrong ?

MR. R NILAKANTA PILLAI (*Financial Secretary to Government*): The view-point taken by the Conservator was subsequently accepted by the Finance Department, on the basis of the provision contained in the draft agreement.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it that the Finance Department came to pass this observation without looking into the agreement ?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): As already explained, the Audit Department held the view that as the original contract was entered into with the sanction of Government any variation in its terms should also be approved by Government. The Conservator held the view that he had the power to do so on the basis of the terms of the contract form prevalent in the Department.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Now there is the Finance Department holding one view and the Conservator a different view. What is the ultimate decision arrived at by Government? Is it the view of the Finance Department or that of the Conservator that should prevail?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The view taken by the Conservator of Forests was accepted by Government.

DEPUTY PRESIDENT: I wish to call upon the official member to make a statement on this point. So far as I know there is a Financial Secretary to the Government, but no separate department of Finance as in British India. I wish the official member will state whether there is any Finance Department as such with powers independent of the Dewan.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In Travancore there is no Finance Department independent of the Dewan.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): In contracts entered into with the approval of Government may I know whether, for extension of time-limit a special sanction of Government is not to be obtained? I wish the member would clear that point. You cannot have both ways *viz.*, Government exercising the power and the Conservator also exercising that power.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): According to the terms of the contract prevailing in the department, Government or the Conservator could exercise that power.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, in a contract entered into on the sanction of Government, whether the express sanction of Government is necessary or not for extension of time?

DEPUTY PRESIDENT: That is an abstract legal proposition.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The point arises in this way. The Financial Secretary says Government alone has that power. In the same breath he says, according to the terms of the agreement, the Conservator also has that power. My point is, both cannot co-exist.

DEPUTY PRESIDENT: On that point the word of the Financial Secretary may not be the last word. All that the member can ask is what the Financial Secretary thought of the matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know what is his view on the matter?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I have already explained the matter. I shall read for the member's information, if necessary, the particular paragraphs in the agreement.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I want the member's opinion and no reading.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Just to clear the point I have to refer to the wording in the draft agreement form.

DEPUTY PRESIDENT: The official member was trying to make out a case by reading some document.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): According to the terms of the contract both the Conservator of Forests and the Government have got the power. That is my view.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): What power?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Power to waive penalty and extend the period of contract.

DEPUTY PRESIDENT: Does it mean concurrent powers?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The wording in the agreement is 'Conservator of Forests or the Government'.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it only with this agreement or with all agreements?

DEPUTY PRESIDENT: I disallow that question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Here we are discussing the Public Accounts Committee Report and we want to elicit the information with regard to such matters. That is why I am asking this question.

DEPUTY PRESIDENT: Questions ought to be couched in proper language. When Mr. Asan put a question with regard to general matters I disallowed the question. The particular point may be asked with regard to this agreement and not with other agreements.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Condition 15 of the draft agreement is as follows:—

> "Nothing shall prevent the Conservator of Forests or Government from exempting the contractor from the payment of any or all the penalties aforesaid or from granting an extension of time to the contract period provided reasonable and sufficient cause is shown that the deficits or delay in delivery was not due to the contractor's neglect but to circumstances beyond his control and the decision of the Conservator of Forests or Government as the case may be shall be final as to the sufficiency or reasonableness of such cause."

The Finance Department held the view that in cases where a contract was entered into with the sanction of Government, the power to grant extension of time should also be exercised with their sanction.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know who are the parties to that contract which was just now read?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Conservator of Forests and the contractor.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) May I know what is the convention adopted in such cases by the Finance Department?

DEPUTY PRESIDENT: In the light of the statement made by the official member in answer to questions from the Chair you cannot speak of the Finance Department. Mr. Nilakanta Pillai said that there is no independent Finance Department. In order to facilitate proper discussion, you may speak of the Financial Secretary to Government.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is there any convention, irrespective of the terms of the agreement, built up in a technical manner that this power may be exercised by the Conservator?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): My personal opinion as Audit Officer is that this draft agreement requires revision As it is, it would appear that Government and the Conservator have concurrent powers.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): May I know from the Financial Secretary whether the agreement which he was just referring to was not prepared by the Head Sirkar Vakil and approved by the Government and whether it was not current in the Department?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I admit all the suggestions of the Honourable member. Nevertheless I feel that the agreement form requires revision.

DEPUTY PRESIDENT: I consider that that answer of the Financial Secretary is not relevant to the discussion.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether he was aware of these facts when he pointed out these irregularities in the Report?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): I was not aware of the particular wording in the draft agreement form when the Audit and Appropriation Report was drafted.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is there any precedent justifying an agreement of this kind?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Agreements of this kind are not unusual in the Forest Department.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the Financial Secretary whether the extension of time allowed was after the breach of the agreement or before that?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): It is clear from the Appropriation Report that the period was extended after the breach of the agreement.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member whether the agreement provides for the extension of time after the breach of the agreement? I wish to know whether there is anything in the agreement which enables the Government or the Conservator to condone the breach once committed and then to extend the period?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): That question can be answered only after going through the whole agreement.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): My question is whether there is any provision in the agreement to extend the period after the breach has occurred.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In this particular case the matter came up for the consideration of the department only after the expiry of the period.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I know what is the basis of the contract between the Government or the Conservator and the party?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): A printed form is used by the department for agreements

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I want to know whether this particular agreement was accepted by the Government as the basis of the contract?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): That must have been accepted by the Government.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Am I to take it that it was accepted or not accepted?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): In the ordinary course it must have been accepted by the Government.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I wish to get a definite answer with regard to this.

DEPUTY PRESIDENT: He states that Government must have accepted the agreement.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is there anything in the contract empowering the Conservator to ignore a period of time between the commencement and termination of the contract?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): There is a provision in the agreement authorising the Government or the Conservator to extend the period of contract.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know when the extension of the contract expired?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The contract expired at the end of 1107.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know when the extension period expired?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The extension period expired at the end of Edavom 1108.

MR. A. THANU PILLAI (*Trivandrum-Rural*): That is, ten months after the expiry of the original period?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Yes.

MR. A. THANU PILLAI (*Trivandrum-Rural*): An extension of four months covering up a period of ten months. Was the Conservator authorised to do that?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The Conservator himself has admitted that the Division Officer failed to report about the matter.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Did the report contain that the Conservator was responsible for the irregularities?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Copies of the Audit and Appropriation Report, as well as the Report of the Public Accounts Committee were forwarded to Government in the usual course.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I wish to know whether the Departmental Head was responsible for this irregularity.

DEPUTY PRESIDENT: I do not think that that question can be authoritatively answered by the Financial Secretary.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether there is anything in the terms of the agreement authorising such a procedure? It is not a matter of opinion.

DEPUTY PRESIDENT: I want Mr. Thanu Pillai to withdraw the last portion of the question. It is a comment.

MR. A. THANU PILLAI (*Trivandrum-Rural*); I withdraw.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): "The Divisional Forest Officer was not correct in recommending extension of the contract for a period of four months only. He might probably have thought that the contractor was not doing any work during the period from 1st Chingom 1108 to the end of Makaram 1108 and that therefore no extension for that period was necessary."

From the above wording in the report of the Public Accounts Committee it could be seen that there was an omission.

MR. PACODE A. NARAYANA PILLAI (*Vilavancode*): If an extension is granted for the original agreement, is it not a new agreement that was entered into?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): It is a matter for the lawyers to decide.

MR. A. THANU PILLAI (*Trivandrum-Rural*): When a subordinate officer makes a recommendation, if the sanctioning authority merely acts upon that recommendation without looking into the merits of the case, is he not at fault?

This is the way in which it is worded:—

> "These logs had to be taken through paddy fields and this was possible only in the month of Meenam or Medom that followed after the crops have been harvested The Division Officer was not correct in recommending extension of the contract for a period of 4 months only. He might probably have thought that the contractor was not doing any work during the period from 1st Chingom 1108 to the end of Makaram 1108, and that therefore no extension for that period was necessary".

From that I find that the responsibility is vested with the Divisional Officer and when he makes the recommendation the Conservator only sanctions it. Has the Conservator nothing to do with it?

DEPUTY PRESIDENT: So far as I can see, it does not follow that the Conservator did not exercise his mind upon the matter. So the question is unnecessary. The recommendation might have been made to the Financial Secretary and the Conservator in making that recommendation must have exercised his mind.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Then, a word about the loss due to the delay in clearing outstanding dues referred to in para 18, page 72 of the Audit and Appropriation Report. The whole question is now under the consideration of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What is the matter under consideration?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The responsibility of the Range Officer in not recovering the dues in time is under consideration of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it by making him liable for the amount or punishing him for the mistake?

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): The explanation of the officer concerned has been obtained and forwarded to the Government by the Conservator with his remarks.

MR. K. R. ELENKATH (*Kalkulam I*): In making a few observations about the report of the Public Accounts Committee I would like to point out that in future at least, greater attention should be paid for auditing accounts by appointing an officer of high status from outside the Account Office. In saying so, I do not mean that the present officer is not in any way inefficient or insufficient for the purpose of auditing. It depends, as it is, on the mercy of the Account Officer to point out irregularities and it is on the Audit and Appropriation Report that the Committee can proceed. As a member of the Committee I may say that the Committee had occasion to get all possible information that the members sought for. Some of the officers were examined only because the Audit and Appropriation Report pointed out certain of their irregularities. Otherwise we would not have been able to see what the irregularities were. My point is that it was only because of a particular officer's courtesy towards us that some irregularities were brought to light. At the same time I do not believe that all the irregularities were brought before the Committee.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether under the rules the Financial Secretary is not bound to bring these irregularities to the notice of the Committee?

MR. K. R. ELENKATH (*Kalkulam I*): I am aware of that. My only point is that the non-official members have no access under ordinary circumstances to the facts that would bring out all defects and irregularities that daily occur in the various departments of the State. We have, it is true, a right to get the information. But in case the responsible officer neglects to do his duty in the direction, we will be helpless. So I stress the point that the Government should consider the question and appoint an efficient officer of high status to audit accounts, the report of which has to come before the Public Accounts Committe.

Then with regard to the observations made by some of the members of this House that the members of the Committee have not dealt with all that they ought to, I may say that no points other than those

dealt with by the Committee have been touched upon by the members of this House and so the members of the Committee cannot be said to have been absent-minded as one of the members sought to make out.

Another point which I would deal with is that regarding the much-talked-of fault of the Conservator. The Conservator was examined by the Committee and he has confessed the guilt of the Divisional Officer.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was that confession of guilt recorded as it was in the Report?

MR. K. R. ELENKATH (*Kalkulam I*): Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the Honourable member read out for the information of the House that portion dealing with the confession of the Coservator?

MR. K. R. ELENKATH (*Kalkulam I*): It has been already read out by some of the members. So I do not propose to read it.

The Report says that the Conservator confessed that the Divisional Forest Officer has defaulted. He has done a wrong and by his confession it only means that he has not properly done his duty of supervising the work of the Divisional Forest Officer.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Had the Conservator submitted any explanation before the Committee for not supervising the work of the Divisional Forest Officer?

MR. K. R. ELENKATH (*Kalkulam I*): The Conservator had in his evidence said that his subordinate had not done his duty.

DEPUTY PRESIDENT: I want to make this point clear. There are two things involved, the fault of the Divisicnal Forest Officer and the fault of the Conservator. So far as the former goes the Conservator has admitted that the Divisional Forest Officer was guilty. But there is the further question whether the Conservator has admitted that he was guilty. Mr. K. R. Elenkath's observation I understand this way—it is an inference made by Mr. Elenkath that the Conservator has been guilty. Is it the point?

MR. K. R. ELENKATH (*Kalkulam I*): That is my point. When an officer says "my subordinate has done a guilt and it has not been noticed by me" that means that he has been negligent and up till the Committee brought this fact to his notice.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member the name of the particular Divisional Forest Officer?

MR. K. R. ELENKATH (*Kalkulam I*): We did not know and we did not care to know the name of the officer.

MR. M. SIVATANU PILLAI (*Tovala*): May I know to which Division of the Forest Department that officer belonged?

MR. K. R ELENKATH (*Kalkulam I*): We did not want to know who the particular person was. We dealt with the officer and that deliberately to safeguard public interest by being in the dark as to the community to which that officer belonged,

MR. M. SIVATANU PILLAI (*Tovala*): May I know what Division that particular officer was in charge of?

DEPUTY PRESIDENT: Are you able to give the name, Mr. Elenkath?

MR. K. R. ELENKATH (*Kalkulam I*): No. Further, an attempt to find out that may lead us to communal questions.

DEPUTY PRESIDENT: All that is not necessary.

MR. K. R. ELENKATH (*Kalkulam I*): Having been a member of the Committee I never wanted to know the name of the officer.

DEPUTY PRESIDENT: I prohibit Mr. Elenkath to say anything on the point. A question was put and Mr. Elenkath said he did not know the name. That is the end of the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was the Conservator ever questioned as to whether he passed orders after scrutinising the work of the Divisional Forest Officer?

MR. K. R ELENKATH (*Kalkulam I*): Yes; and he frankly confessed that he was indirectly at fault and that the Divisional Forest Officer was guilty.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I never confessed that I was guilty. What I said was that the Divisional Forest Officer was not correct in recommending for an extension of four months instead of 10 months. (*Hear, hear.*)

DEPUTY PRESIDENT The House is obliged to the Conservator for the information.

MR A. S. DAMODARAN ASAN (*Mavelikara*) Sir, the speed in which the Conservator replied was so high that we could not follow him.

DEPUTY PRESIDENT: That comment is unnecessary. The question is whether Mr. Asan grasped the point.

MR A S. DAMODARAN ASAN (*Mavelikara*): No, Sir.

DEPUTY PRESIDENT: If Mr. Dhanukoti Pillai is prepared to repeat his answer he may do so.

MR. R DHANUKOTI PILLAI (*Conservator of Forests*): Sir, what I said was I did not make any confession of guilt as Mr. Elenkath put it. What I said was that the Divisional Forest Officer was not correct in recommending for an extension of four months instead of ten months.

MR. K. R. ELENKATH (*Kalkulam I*): That is why I said he indirectly confessed. He said his subordinate did the fault and he never knew then that his subordinate was incorrect.

DEPUTY PRESIDENT: I do not think so much time should be taken up for this matter. I have already said that Mr. Elenkath is making an inference. There that point ends. Mr. Elenkath may go on with the other points.

MR. K. R. ELENKATH (*Kalkulam I*): Yes, Sir. So I would only urge upon the Government the necessity for the appointment of a Special Officer for conducting the annual audit and prepare the report.

I would make one more suggestion and that is in regard to th formation of the rules. This is the first Public Accounts Committe

and the Report is not as comprehensive as it ought to be. We notice that the Public Accounts Committee of the Imperial Legislature contains verbatim reproduction of what took place in the Committee. But here we find only the major recommendations or the important recommendations made by the Committee have been put in.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether the member suggested this idea at any time before this?

MR. K. R. ELENKATH (*Kalkulam I*): I pointed out the important omissions in the Report when a preliminary typed copy was sent to me. The Committee had authorised one of its members to draft the Report.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) Sir, I have read with considerable interest the Audit and Appropiiation Report and also the Report thereon by the Public Accounts Committee. But before I proceed to offer my remarks on the contents of the Report, first I would refer to the oft-repeated, general, and important question of the necessity for the separation of the Accounts and Audit branches. That question was referred to by my friend Mr. Asan and has been emphasised sufficiently well by Mr. Elenkath. Prior to this, this question has been urged on the floor of the Legislature on occasions more than one and on all those occasions I have found the Finance Member urging arguments in support of the existing state of affairs. Sir, some time back there was a talk in the air that the Government intend effecting certain reforms in the Financial Department in the light of my present suggestion. But now there is a complete lull and we do not know whether Government are contemplating any measure at all by way of reorganising the Department in the manner suggested. Whatever that be, it cannot be denied that the need for separating the two branches is imperative. As it is the Account Officer is the Auditing Officer also, *i. e.*, he is both the judge and the judged. This is a feature, Sir, which one will not meet with in any well-organized system of public finance. This state of affairs certainly shall not be allowed to continue, and I therefore request Government to look seriously into the question and take effective measures to set matters right.

I would now refer to one or two important points. There is in the first place the question of lapses. Lapses occur in the first place as a result of the incompetency of the officers of the several departments. During the budget time they demand a larger amount than is necessary for their respective departments, and at the end of the year, therefore, they find in their hands surplus funds. This I submit, is bad enough since we are told at every turn that for important items of work there is lack of funds. More important than this, Sir, are the lapses that occur in such departments as the Public Works. I see from the Report that there has been a lapse of about Rs. 80,000 out of the allotments for irrigation works and almost an equal amount out of the grant for communication and buildings. I submit that at this time when the people who are already groaning under grinding poverty, are found clamouring for more roads, larger amounts for maintenance of tanks

[Mr. N. K. Krishna Pillai.]

and more means of communication, it is almost criminal that at such a juncture the Departmental Heads show laxity of work and allow even the alloted amounts to lapse.

Then I have another point to touch upon and that is the question of defalcations. There is no doubt, Sir, that defalcations and such patent irregularities as have been pointed out in the Resolution of Mr. Asan which is just now under discussion before the House are always a disgrace to Government. I think the repetition of such irregularities and misbehaviour on the part of officers is due to the soft heartedness of the Government. The Government should take strong action. Any amount of warning, suspension or depromotion are utterly inadequate for what amounts to theft and what is worse, inefficiency. I have in mind, Sir, some conspicuous examples of defalcation and I have no doubt that in those cases the Government have dealt with the delinquents rather leniently. Therefore, what I would strongly urge upon the Government is that in all cases of such gross irregularities and swindling away of public money exemplary punishment should be meted out to the delinquents.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he could specifically mention a few instances of defalcation cases in the State?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): Yes. A recent one is the defalcation in the Science College.

So it is my earnest appeal to Government that when such defalcations occur, when such irregularities come to light, they would deal with those responsible for them without any mercy whatever, most mercilessly, so that they may have a deterrent effect on the Government officers in general. With these words I resume my seat.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, I am in sympathy with much of what has been already said by Mr. Kunjukrishna Pillai and Mr. Damodaran Asan. The need for an independent auditing of the finances of the State has been reasonably made out by them. So long as this House has got a voice on the budget of the State, this House must be satisfied that proper and accurate accounts are rendered to it so that the financial transactions may be effectively checked by the House. I do not mean to cast any reflection upon the Financial Secretary when I say that in the usual course of his work, though not consciously, quite unconsciously, many things may escape his attention; so much so a correct picture of the finances of the State may not be placed before this House. So, an independent audit of the finances of the State by an outside agency seems to be a desideratum.

With respect to many points that have been brought up, though the learned Financial Secretary would wrap them up in the technical arena of his trade and operations, enough has been brought to light to doubt whether some of his figures and statements are well founded. Desparate defences have been put forward not only by the Financial

Secretary but also by Mr. Elenkath who happened to be on the Committee which submitted this Report to the House. From their statements of defence it would appear that as they proceeded they ceased to tread on very firm ground in certain directions. For example Mr. Elenkath submitted to the House that Mr. Dhanukoti Pillai had made a confession before the Committee which Mr. Dhanukoti Pillai is now heard to repudiate. Then with respect to the printed agreement upon which the Forest Department has been acting, the Financial Secretary shakes his head and doubts the soundness of that document. If the Financial Secretary is right, what capers might not have been cut by the Forest Department under cover of the document in question?

Therefore in spite of the stout defence that we have been invited to listen to, the grounds seem to give way in many places. It is not necessary to expatiate upon all those aspects of the matter. I wish to emphasise only one or two points in his report. Now, referring to page 16 of the Report I see that there was a case of theft with respect to Government property—the theft having taken place in the Science College at Trivandrum. The witness examined for that purpose was Mr. C. V. Chandrasekharan, Deputy Director, who, however, was no witness to the occurrence. Well, the first comment on this is that the disappearance of Government property is a matter which should not have been passed over so lightly as the Report seeks to put before the House. In the first place was there a theft at all? The matter was referred to the Travancore Police, Trivandrum Section, but they said it was impossible to detect the case. Probably there was no theft, or if there was one, the Police were not able to cope with its detection, as is not unusually the case. Mr. Chandrasekharan's evidence which has been summarised on page 16 says:—" hereafter special precautions have been arranged to be taken to prevent a repetition of the occurrence ". There is no room for repetition, since the articles have disappeared already and it is impossilbe to steal them, again. But why did he not take greater precaution earlier? That is a pertinent question which that officer has to answer. Theft of Government's property stands on a footing somewhat different from other thefts, for example if a house-holder loses his cow by theft, it may be said to be due to his carelessness. But in the case of Government property, some people are specially entrusted with its custody and before they are absolved from the liability arising from its loss, they must disprove their negligence. Government have not made any such distinction, but have merely got a promise from the custodian that greater precaution would be taken after the event. That promise is enough for the Government. The Account Officer should not have been so ready to write off the value of the property stolen and a flimsy explanation for the disappearance of Government property should not have gone down so easily with the Government. Facile explanations are becoming the order of the day, and superior authorities seem to delight in fondling the new born nonsense presented by their inferiors in the shape of excuses and explanations.

DEPUTY PRESIDENT : The Report says that Mr. C. V. Chandrasekharan or anybody concerned with that has been exculpated.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : What I gather is that the amount has been written off now on a promise from Mr. C. V. Chandrasekharan, who unfortunately ceased to be the Deputy Director of Public Instruction recently, that special precaution would be taken hereafter, and in that way the whole matter has been closed. Then there are a number of defalcations referred to in the report submitted by the Financial Secretary. The leakage of money on account of defalcation in Nelpuras in the Kandukrishi Department is referred to. What became of this? Defalcation has been going on not only in the Nelpuras but in more sacred places like the Science College the very throne of learning and wisdom. Has the money been recovered? Nobody knows. That the tax-payers should be called upon to contribute funds for experiments in thefts and defalcations is a proposition which this House or any other House in the world should be the last to accept. Therefore stricter protection of Government money and Government property is needed, and apart from all other irregularities if this consideration would appeal to the Financial Secretary it would be a great consolation for the hard-hit tax-payers.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : സർ, ഈ സഭയുടെ ആലോചനയ്ക്കു വിഷയമായിരിക്കുന്ന ഈ റിപ്പോർട്ടിനേപ്പോലെ പ്രധാനമായ ഒരു രേഖ തയ്യാറാക്കുന്ന അവസരത്തിൽ അതിലേക്കു നിയുക്തരായ അധികാരികൾ ശ്രദ്ധിക്കേണ്ട സർവ്വപ്രധാനമായ ചില സംഗതികളെപ്പററി മാത്രമാണ് എനിക്കിവിടെ പറയുവാനുള്ളത്. ഒരു ചുമതലയുള്ള ഉദ്യോഗസ്ഥൻ ശിക്ഷാർഹനാണെങ്കിൽ അയാളെ ശിക്ഷിക്ക തന്നെ വേണമെന്നുള്ളതിൽ അഭിപ്രായവ്യത്യാസത്തിനിടയില്ല. എന്നാൽ ഏതാപ്പീസായിരുന്നാലും ആക്ഷേപയോഗ്യമല്ലാത്ത വിധത്തിലുള്ള പ്രവൃത്തി ചെയ്തിരിക്കെ മററൊരു ആഫീസരുടെ അശ്രദ്ധകൊണ്ടോ അല്ലെങ്കിൽ മററു വല്ല കാരണങ്ങളാലോ ആ ഉദ്യോഗസ്ഥനെ ആക്ഷേപാർഹനാക്കുക എന്നുള്ളതു വളരെ തെററായ ഒരു സംഗതിയാണ്. ഇവിടെ പ്രസ്താവിച്ച സംഗതികളിൽനിന്നു മനസ്സിലായതു ഫിനാൻഷ്യൽ സെക്രട്ടറി ഒരു കരാറിന്റെ കാലദൈർഘ്യത്തെ ആസ്പദമാക്കി അതിനെ സംബന്ധിച്ചുള്ള പൂർണ്ണവ്യവസ്ഥകൾ മനസ്സിലാക്കാതെ ചെയ്തിട്ടുള്ള നിർദ്ദേശങ്ങൾ അടങ്ങിയ രേഖയെപ്പററി ഈ കമ്മിററിക്കാർ കൺസർവേററർ തെററായ പ്രവൃത്തി ചെയ്തു എന്നു വാദിക്കയുണ്ടായി എന്നാണ്. ഈ വിധത്തിലുള്ള സക്കാർ പ്രസിദ്ധീകരണങ്ങൾ വായിക്കുന്ന ആളുകൾ പലരും കൺസർവേററർ യഥാർത്ഥമായി ശിക്ഷാർഹമായ തെററു ചെയ്തു എന്നു ധരിക്കാൻ ഇടയായി. അതുകൊണ്ടു ഇത്തരത്തിലുള്ള പ്രധാനമായ രേഖകൾ, അതിൽ ഉൾപ്പെട

ത്തിയിട്ടുള്ള സംഗതികളെല്ലാം ശരിയാണോ എന്ന് പരിശോധിച്ച ശേഷം വേണം തയ്യാറാക്കാൻ.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): കൺസർവേറ്റർ യാതൊരു തെററും ചെയ്തിട്ടില്ലെന്നാണോ മെമ്പറുടെ അഭിപ്രായം ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഇവിടെ പ്രസ്താവിച്ചിട്ടുള്ള സംഗതികളെ അടിസ്ഥാനപ്പെടുത്തി മാത്രമാണ് ഞാൻ പറയുന്നത്.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): ചിങ്ങം മുതൽ കുംഭം വരെയുള്ള കാലതാമസം വകവച്ചു കൊടുക്കേണ്ടതാണോ? ... ...

DEPUTY PRESIDENT: I do not think that is a question which arises.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Sir, I should like to say a few words to explain the attitude taken by the members on the other side with regard to this matter. From what has been printed on page 72 of the Audit and Appropriation Report and also from what is stated on page 17 of the Public Accounts Committee's Report, there is nothing to be surprised at the members on the other side speaking so vehemently as they have done. Here on page 72 of the Audit and Appropriation Report, a full page has been devoted on the so-called irregularity which would show how serious the irregularity has been. As a matter of fact, the facts of the case are simple but it has been so greatly exaggerated and it is no wonder that the members on the other side are not in a position to know the real state. A contract was given for the extraction of 15,000 C. ft. of timber from Arumanalloor side. This place is situated on the northern slope of the Velimala hills and it is separated from the road by a long stretch of paddy lands through which alone the timber could be extracted. The contractor felled all the 15,000 C. ft. but by the time he delivered 12,000 and odd at the depot the cultivating season had commenced and he was not able to transport any more timber across the paddy fields as they were then brought under cultivation.

MR. S. J. NAIR (*Nedumangad*): May I know the name of the paddy field?

DEPUTY PRESIDENT: That question does not arise.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): By the close of 1107 the period of the contract had expired but there was a balance of some 2,000 and odd cubic feet still left undelivered. The Divisional Officer recommended an extension of the contract from Kumbhom 1108 to the end of the year as by this time alone the paddy would be harvested and transport across the fields made possible. This extension of the contract and also exemption from the penalty for the deficit supply was sanctioned by me under the powers given to me by clause 15 of the agreement. Clause 15 of the agreement says definitely "Nothing shall prevent the Conservator of Forests from granting extension of time to the contract or from exempting the contractor from payment of any

[Mr. R. Dhanukoti Pillai.]

or all the penalties, provided reasonable and sufficient cause is shown that the deficit or delay in the delivery was not due to the contractor's negligence but to circumstances beyond his control." Here, Sir, the contractor had finished the felling of the 15,000 C. ft. But he was not able to transport on account of the paddy fields having been brought under cultivation. He had spent money in the collection of timber and his inability to supply the timber was due to circumstances over which he had no control. I thought this was a clear case where some consideration had to be shown to the contractor and when the Divisional Officer himself made a recommendation I sanctioned the exemption as provided for in the above clause of the agreement. The Account Officer in the Audit and Appropriation Report states that I ought to have obtained the sanction of Government to grant extension and also to exempt the contractor from the penalty. Sir, this agreement is the standard form of agreement current in the Forest Department. It was scrutinized by the Head Sirkar Vakil and approved and sanctioned by Government and copies have been got printed. This is an agreement which we follow in all our contracts in the Department and under the above clause I have been giving extensions and exemptions in several cases when I was convinced of the reasonableness of the delay or deficit. I was called as a witness before the Public Accounts Committee and then I explained to the Committee the circumstances under which the extension was granted.

That is how this simple matter was magnified to such a big affair.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I rise to a point of order. Is that statement "a simple matter was magnified to such a big affair" justifiable?

DEPUTY PRESIDENT: Perfectly parliamentary.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether such extensions sanctioned by the Conservator were objected to by the Government in any previous case?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): I have been the Conservator of Forests for the last 12 years and in no case has any objection been raised. I have done similar things previously.

MR. A. THANU PILLAI (*Trivandrum-Rural*); I rise to a point of order. Which of these two officers is speaking on behalf of Government, the Financial Secretary or the Conservator?

DEPUTY PRESIDENT: Mr. Thanu Pillai has raised a point of very great importance and I think I must explain the position as I have understood it. The Report was submitted to this House by Mr. R. Nilakanta Pillai, the Financial Secretary. As the members are aware there is no vote going to be taken on the acceptability of the Report as such. Reference was made to the action of Mr. Dhanukoti Pillai, the Conservator of Forests in various particulars; and in the course of the discussion there was an occasion in which Mr. Dhanukoti Pillai felt

that he should ease the situation by giving a personal explanation which he did. The information was very useful to the House. Mr. Dhanukoti Pillai talks no doubt as an official member. His statements are useful to the House because accusations were made against officers of the Department of Forests. Mr. Dhanukoti Pillai is entitled to speak. A clear-cut decision as to who represents Government in this matter is not necessary. Anyhow for Mr. Thanu Pillai's information, I may say that Mr. Nilakanta Pillai being the officer who presented the Report to this House for consideration he is the official member in charge.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I rise to a point of order. The Report was presented to the House by Mr. Nilakanta Pillai. It has been approved by the Dewan who is one of the signatories of the Report. Is it open to the Conservator of Forests to say that the Report contains misrepresentation of facts?

DEPUTY PRESIDENT: If there are defects in the rules under which the Travancore administration works they are to be modified. We are not concerned with that here. If a dispute arises between the Conservotor of Forests and the Financial Secretary it is a very unfortunate thing. But we are not concerned here just now to move the Government to remove such defects.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I rise to a point of order. When the Government have placed a document for the consideration of this House and when the Government members and the non-officials are discussing that, is any official member in order when he spends the time of the House in explaining matters calculated to justify his conduct independently of the Government?

DEPUTY PRESIDENT: I think that the member refers to Mr. Dhanukoti Pillai. I may say at once that Mr. Dhanukoti Pillai was quite in order. It is the function of every official member present in this House to explain matters according to his best lights. Every member has got that right.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): When the Conservator received the recommendation for extension did he know the date on which the agreement expired?

MR. R. DHANUKOTI PILLAI (*Consersator of Forests*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I khow whether he was aware that the Divisional Forest Officer has not asked for extension for the period from Chingom to Kumbhom?

DEPUTY PRESIDENT: He has already stated that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): He did not say that, Sir,

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): With regard to the agreement I have already explained. This agreement was approved by the Government, scrutinised by the Head Sirkar Vakil and copies were got printed and distributed to Divisional Forest Officers,

[Mr. R. Dhanukoti Pillai.]

The Department follows this agreement making corrections here and there as circumstances arise. So far as section 15 of that agreement is concerned I am of opinion that the Conservator is in no way wrong in sanctioning the extension. I have granted several such extensions before like this.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Have you got any approximate idea of the number of such agreements?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): Probably, 200 or 300.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know from the member whether objections were not raised by Government when the extension was granted?

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): No; not at all.

Now with regard to the clearing of the outstanding liabilities. That is also an equally simple matter. This is a forest case in which the Range Officer of Mahendragiri detected illicit collection and removal of tamarind from inside the Reserve sanctioned in 1101. The contractor had defaulted payment of his lease and he was not allowed to collect any produce. But one day the Ranger saw some people collecting the tamarind and he arrested them. But it turned out that these persons were the sub-agents and coolies of the contractor who had not known anything of the order issued against the contractor. The offenders being the contractor's men, he agreed to pay Rs. 90, the compensation fixed by the Divisional Forest Officer in compounding the case and he also ordered the acceptance of Rs. 90 as compensation. The produce collected was confiscated to Government and auctioned and the sale price credited to Government. The amount of compensation agreed to by the contractor was not paid and the Range Officer had had several correspondence with him and he went to the extent of addressing the Radhapuram Magistrate to use his influence and to recover the amount from the contractor. But the contractor became a bankrupt and declared himself an insolvent. By this time, the Range Officer was transferred and another one succeeded him. The contractor being a British man, he found the recovery impossible especially when he had become an insolvent and the case was ordered to be struck off. The question, who should pay the compensation amount now, is still under correspondence.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I would wish to speak a few words on this question, *i. e.*, about the difference of opinion between the Financial Secretary and the Conservator of Forests.

MR. R. DHANUKOTI PILLAI (*Conservator of Forests*): There is no difference of opinion between the Financial Secretary and myself. I was referring to the personal attack from Mr Asan, and I forgive him for that.

DEPUTY PRESIDENT: Whatever be the grounds, there was some difference of opinion. Order: Order: After all, I think the discussion requires better form. When the statement has been made by Mr. Dhanukoti Pillai and when the Chair said that there was some difference of opinion between Mr. Dhanukoti Pillai and the Financial Secretary, and Dr. Kunjan Pillai rightly alluded to it no further question arises on that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My point is that the Conservator says that he forgives me and I don't know for what.

DEPUTY PRESIDENT: I may say that if a member says that he forgives another it is really a literary Parliamentary expression and it does not mean any offence. The genius of the English language vindicates Mr. Dhanukoti Pillai.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not think that there was any necessity for the Conservator to get up and offer a personal explanation. That there is difference of opinion is evident from the question put by Mr. Thanu Pillai whether the Financial Secretary or the Conservator of Forests has been speaking on behalf of Government. The Financial Secretary observed in the Audit and Appropriation Report that the Conservator of Forests should have obtained the sanction of Government before granting the extension. In his own speech he admitted that that was his view. When questioned, he said that the agreement form stood in need of revision. That was the view taken by the Financial Secretary and he included it in the report he prepared This report was considered by the Public Accounts Committee of which the Dewan was the President and the Committee's proceedings have been published over the signature of the Dewan and other members of the Committee. The Report shows that the Conservator was examined by the Committee and he stated that he had full power to grant extensions. The Government accepted the Conservators's view, though the Financial Secretary held a different view. There is nothing wrong in the Public Accounts Committee's report which shows that the Conservator's explanation has been accepted by Government and the amount written off. The view of the Conservator is therefore correct unless and until the agreement form is revised as suggested by the Financial Secretary. The view expressed by the Conservator may therefore be taken as the view of the Government at present.

MR. K. C. KARUNAKARAN (*Nominated*): As a member of the Public Accounts Committee, I can assure this House that the non-official members of the Committee were furnished with all papers and all necessary information relating to the various subjects dealt with in the Audit and Appropriation Report for the year 1108. I shall deal, one by one, with the points raised by Mr. E. V. Krishna Pillai in his observations on the Report.

Mr. Krishna Pillai said that the Report says that, in answer to my question about the Trivandrum Sales Depot being not remunerative, the Chief Secretary said that the Ootty Sales Depot had been

[Mr. K. C. Karunakaran.]

closed. Sir, I can assure my friend, Mr. Krishna Pillai, that we did work on the Committee with great attention and with great sharpness.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The latter part of the member's statement is not clear to me, Sir.

MR. K. C. KARUNAKARAN (*Nominated*): I said that we worked on the Committee with great attention and with great sharpness. I used the word 'sharpness', because Mr. E. V. Krishna Pillai said that we were inattentive and were not sharp enough. It seems that the member thinks that the word 'sharpness' is a new word in the English language; even if it is so, the English language is elastic enough to have this word.

DEPUTY PRESIDENT: 'sharpness' is not a new English word (*Laughter.*)

MR. K. C. KARUNAKARAN (*Nominated*): Mr. Krishna Pillai seemed to doubt that the members of the Committee lacked sharpness.

I may at the outset submit, Sir, that, we, the non-official members of the Public Accounts Committee, set to work with a reasonable, rational and open mind. We were accessible to reasonable explanations and arguments from the official members on the Committee. We were open to conviction. When I raised the question of the closing of the Trivandrum Sales Depot the Director of Industries convinced me, by argument, that it was not the profit that the Government derived from the Sales Depot that must count with us, that the establishing of sales depots was one kind of very useful propaganda work for the furtherance of the industries in the country, that that was the reason why they had such sales depots in all civilised countries, and that therefore the Trivandrum Sales Depot should be allowed to continue for some time more, although there was a loss to Government, on account of the sales depot, to the extent of about Rs. 4½ per diem. We were convinced by these arguments advanced by the Director of Industries.

DEPUTY PRESIDENT: The reasons which weighed with Mr. Karunakaran when he was working in the Committee are not now quite material. (Mr. E. V. Krishna Pillai, *Hear, hear.*) The reasons which now weigh with him are more important for the present discussion.

MR. K. C. KARUNAKARAN (*Nominated*): I want to show to the House that although the Report is not quite complete in regard to certain matters, we had a full discussion of such matters also in the Committee. Mr. E. V. Krishna Pillai seems to think that we were satisfied with the answer given by the Chief Secretary (in regard to my suggestion about the closing of the Trivandrum Sales Depot), that the Ooty Sales Depot had been closed. I want to make it clear that after the convincing argument and explanation by the Director of

Industries regarding the necessity for the continuance of the Trivandrum Sales Depot, the Chief Secretary, *incidentally*, informed the Committee that the Sales Depot at Ooty had been closed.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): What has the member to say about the statement in the Report regarding the Northern India tour of the Director of Industries?

MR. K. C. KARUNAKARAN (*Nominated*): I was about to refer to that. I raised that question in the Committee, and the Director of Industries was pleased to explain the nature and object of that tour.

DEPUTY PRESIDENT: I have one difficulty, and I want the Law Member to enlighten me on it. What is the understanding with regard to the proceedings in the Public Accounts Committee? Are they private, or, are they public? I mean the details.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I understand it, anything not published in the Report should be treated as confidential; the Public Accounts Committee is really a Select Committee of the Legislature.

DEPUTY PRESIDENT: So, Mr. Karunakaran need not dilate upon the details that took place in the Committee.

MR. K. C. KARUNAKARAN (*Nominated*): In answer to my question about the tour undertaken by the Director of Industries, he told us that he went to North India to attend the Industrial Conference of the Government of India at Delhi. It was subsequent to this answer by the Director of Industries that the Chief Secretary, *incidentally again*, stated that, in regard to finding out new markets for our products, a Trade Agent had since been appointed at Bombay.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Why is it that all this does not find a place in the Report? Does not the statement in the Report go very much against the member's sanity?

DEPUTY PRESIDENT: I want Mr. E. V. Krishna Pillai to withdraw that word 'sanity'.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I withdraw that, Sir. (*laughter.*)

It seems, from a perusal of the Report, that Mr. Karunakaran was quite satisfied with the answers from the official members, answers that have nothing to do with his questions, answers which were absolutely irrelevant. Why is it that Mr. Karunakaran has allowed the publication of such a report which gives very little credit to him.

DEPUTY PRESIDENT: The question, as to whether the Report does little credit to Mr. Karunakaran or not, is a matter of opinion. Hence, I disallow the question. Mr. Karunakaran may proceed.

MR. K. C. KARUNAKARAN (*Nominated*): It is very painful for me to note, Sir, that, during the discussion on this Report so far, not one member of this House has thought it fit to speak even a word about some of the very useful suggestions that have been made by the non-official members of the Committee, suggestions that have been accepted by the Committee and placed before Government for consideration. The Report does contain those suggestions. Still, not a single member spoke a single word about any of them.

With regard to the question of the irregularities in the Forest Department, the Conservator was called in as a witness and he gave to the Committee the same explanation that he has given here to-day; and I remember quite well that the member, at whose instance the Conservator was called in to explain, was thoroughly convinced with his explanation. And the Committee accepted it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Mr. Karunakaran, one of the members of the Public Accounts Committee is, evidently, dissatisfied with the non-official members of this House since not one of them has so far made any pointed reference to the various suggestions contained in the Report.

DEPUTY PRESIDENT: He did not say that he was *dissatisfied*; he only said that he felt *sorry*.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I think, Sir, that there is no particular point in referring to what has actually been done by the Committee and placed on record in its Report. I think this House would be well advised in devoting the time allotted for this purpose to matters that have been omitted by the Committee rather than to those that have been dealt with by them. In the Rule also I find:

> "The Chamber concerned shall thereupon be at liberty to discuss the report for such time as may be allotted by the Dewan and, during that time, to make any *additional* recommendations in connection therewith".

What is emphasised in the Rule is that our discussion should, as far as possible, deal with points which have not already been dealt with by the Committee. Any how, I shall refer to one or two matters dealt with by the Committee.

Government have stated that they have got full power and that they would be quite justified in spending funds allotted under a particular demand for a specific item for any other item under the same demand. That, I submit, is not in consonence with the spirit of the provisions of the Legislative Reforms Regulation.

DEPUTY PRESIDENT: Are you questioning the President's ruling?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I thought it was only a statement made, on behalf of Government, by the Dewan.

DEPUTY PRESIDENT: The Dewan, except in very exceptional cases does not have the right of addressing this House. It was only as President of the Assembly that Sir M. Habibullah gave his ruling some time back. Therefore, his ruling cannot be questioned.

MR. A. THANU PILLAI (*Trivandrum—Rural*): As I submitted, I thought that it was only a statement made on behalf of Government by the Head of the Administration. If it is objectionable to deal with it, I shall not do it.

DEPUTY PRESIDENT: You have only two minutes more.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I shall refer to only one important matter. Reference has been made about the need for proper audit of the receipts of Government. The Report says that the present arrangement is not satisfactory; and the Financial Secretary also agrees with that view. I would only urge the desirability of making adequate provision for satisfactory audit, especially in view of the numerous cases of thefts and defalcations in Government institutions which have recently come to light. I congratulate the members of the Public Accounts Committee for the good work they have done and wish to point out once again that, if reference was not till now made to their good work, it was not because of lack of adequate appreciation of their good work but because it was considered wiser to spend the time allotted for this discussion more profitably.

MR. N. E. VARUGHESE (*Tiruvalla I*): Sir,..........

DEPUTY PRESIDENT: Mr. Varughese, I am very sorry there is no time. Mr. Kunjukrishna Pillai, do you press your resolution?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, Sir.

The following resolution was then put to vote and lost.

"This Assembly recommends to Government to take serious notice of the irregularity in the expenditure of a sum of Rs. ·01 lakh under Capital Expenditure by diversion from the allotment for the Trivandrum Water Works."

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I demand a poll.

A poll was taken and the House divided as follows:—

AYES—19.

1	Mr.	T. K. Alexander	11	Mr.	M. K. Madhavan Pillai
2	,,	A. S. Damodaran Asan	12	,,	M. N. Nair
3	,,	M. Mahomed Haneef	13	,,	Pacode A. Narayana Pilla
4	,,	K. P. Krishna Menon	14	,,	P. K. Narayana Pillai
5	,,	Pottayil S. Krishna Panickar	15	,,	S. Nilakanta Pillai
6	,,	E. V. Krishna Pillai	16	,,	Edavanatt S. Padmanabha Menon
7	,,	N. K. Krishna Pillai	17	,,	Changanachery K. Paramesvaran Pillai
8	,,	Puthupalli S. Krishna Pillai	18	,,	R. Raman Pillai
9	,,	T. Krishna Pillai	19	,,	A. Thanu Pillai
10	,,	K. Kunjukrishna Pillai			

NOES—30.

1	Mr. N. Abdur Rahiman Sahib	17	Mr. K. Madhavan
2	,, K. C. Abraham	18	,, G. Nilakantan
3	,, S. Chattanatha Karayalar	19	,, R. Nilakanta Pillai
4	,, R. Dhanukoti Pillai	20	Rao Sahib S. Paramesvara Aiyar
5	,, Antony George	21	Mr. Kayalam Paramesvaran Pillai
6	,, K. George	22	Rao Bahadur N. Ramanuja Aiyangar.
7	,, M. K. Janardana Kamath	23	Mr. R. Sambasiva Aiyar
8	,, T. S. Jayantan Nambootiri	24	,, K. Sankaran
9	,, N. John Joseph	25	,, James Simpson
10	,, K. C. Karunakaran	26	,, R. M. Statham
11	,, T. T. Kesavan Sastri	27	,, P. K. Thomas
12	,, K. M. Krishnan	28	,, T. C. Thommen
13	Rao Sahib Dr. N. Kunjan Pillai	29	,, John Whitely Tolson
14	Mr. C. V. Kunjuraman	30	,, G. B. E. Truscott
15	,, E. K. Kunjuraman		
16	,, K. M. Kuriakose		

NEUTRALS.—10.

1	Mr. V. T. Chacko	5	Mr. T. C. Joseph
2	,, A. Easwara Pillai (*Kalkulam II*)	6	,, K. Mahomed
3	,, A. Easwara Pillai (*Kottarakara*)	7	,, K. Padmanabhan
4	,, K. R. Elenkath.	8	,, V. Ramakrishna Panickar
		9	,, S. Thiraviam Nadar
		10	,, N. E. Varughese

The resolution was declared lost.

The resolution of Mr. S. Damodaran Asan that—

"This Assembly recommends to the Government that severe steps must be taken against the delinquents for the irregularities noted in paras 16 to 18 of the Audit Report as the explanation given by the Conservator before the Public Accounts Committee is unsatisfactory".

was then put to the vote of the House and declared lost.

ADJOURNMENT MOTION.

RE FAILURE OF CROPS.

DEPUTY PRESIDENT: There are six gentlemen who had given notice of the motion. They are Messrs. Changanachery Paramesvaran Pillai, A. S. Damodaran Asan, N. E. Varughese, R. Sambasiva Aiyar, A Thanu Pillai and K. R. Elenkath. Two others have sent in notice of a motion ancillary to that, Messrs. S. J. Nair and M. Sivatanu Pillai. What may be done is Mr. Changanachery Paramesvaran Pillai may speak first and the other five gentlemen who have given notice of a similar motion will follow and then the two other gentlemen, Messrs. S. J. Nair and M. Sivatanu Pillai may speak. After them the other members may speak. That will be the right thing to do

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Are the resolutions all quite uniform?

DEPUTY PRESIDENT: They are substantially the same.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So the other members will be allowed to speak only after the members who have sent in notices of the motion?

DEPUTY PRESIDENT: It is not a question of any cut and dry rule. I am only giving a suggestion and I hope the House will follow it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the time that will be allotted to each member?

DEPUTY PRESIDENT: 15 minutes. What I wanted to say was not that all these gentlemen should speak for the full 15 minutes. The Chair is absolutely without any such interest. They have got the right to speak and considering that the time at our disposal is limited and that even those who have not given notice may be given an opportunity to speak, if the usual time is taken up by individual members it may be that those may have no chance of speaking. It is a matter of a little give and take. I expect therefore that the House will rise to its responsibilities and see that a proper discussion is had.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I offer a suggestion, Sir? Probably it will be more conducive to the debate if any member desiring to speak against the motion is allowed to speak at an earlier stage so that those who follow may have the opportunities of listening to both views.

DEPUTY PRESIDENT: I leave it to the discretion of the House and I shall try to guide the discussion.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Sir, I move that.—*the business of the House be adjourned for discussing a matter of urgent public impartance, nomely the situation caused by the destruction of the paddy crops for 1110 by the failure of the last two monsoons.*

It is a matter well known to the House that the last two monsoons, both the south-west and the north-east were failures and on account of the severe draught, the paddy crops have totally failed not only in Kanni but also in Makaram and there is a prospect also of the failure of the Medom crop for the same reason. Now, this is not a matter capable of statistical or mathematical proof. Yesterday, in answer to a question put by Mr. A. S. Damodaran Asan the Revenue Commissioner stated that in the western portions of the Karunagapalli, Kartikapalli and Mavelikara taluks there has not been total failure of crops. But at the same time he admited that there was partial failure of crops in those parts. We may therefore take it that it is admitted by the Government that owing to the reasons stated by me there has been failure of crops, though partial. We might start therefore with this admission. As I said, this is not a matter capable of proof at the present moment. All that we can now do is to give our personal experiences in regard to this matter. Many of the members of this House are landowners themselves and they come also from different villages. They can therefore bear testimony to this from their own personal experience.

[Mr. Changanachery K. Paramesvaran Pillai.]

Speaking for myself, Sir, in last Kanni I had occasion to travel through South Travancore and I found the fields really parched up and the plants withering. I was told that there was so much shortness of water in the Kodayar reservoir that it was not possible to give the ryots sufficient water for irrigating their lands. The result has been failure of crops there. I returned only two days ago after a 12 days tour in middle Travancore especially in the Quilon Division. I travelled almost through every taluk in the Quilon Division. That was the time for harvesting in many of the fields. The plants had not grown to ears of corn. They were merely in the position of grass and they were removed by the cultivators for feeding their animals. In several other places though ears of corn had come up they were so poor that there were hardly any grains in them. So that, speaking from our own experience we can say that there has been practically a failure of crops all over South Travancore and middle Travancore.

So far as north Travancore is concerned, where we have got punja cultivation the paddy plants have been affected by a kind of wormpest. I have been recently there and saw with my own eyes that the plants were destroyed by the worms. I was told that if these worms had come at a later stage there would have been a fair prospect of a better harvest but the worms had come at an earlier stage of the cultivation and the plants themselves were eaten up. Hence there is no further chance of their producing any shoots or producing any corn later. Thus, it is seen that there is no prospect of the Medom crop in the punja fields. I saw superhuman efforts being made to remove the worms from these plants. The ryots have several instruments for it and they have collected several workmen for doing the work and yet they have not been able to succeed. Several ryots came and told me about this. I examined some of them and they told me that they underwent great sacrifice and spent a great deal of money to save their crops from these worms but without success. The result would be a complete failure of the Medom crop in North Travancore also.

Representations have been received by me, I think several other members have received the same, from my constituents asking me to bring this matter to the notice of Government, so that they may get some relief at least by way of remission of tax. I do not say there may not be exceptions. There may be particularly favoured areas where some crops might have been saved. But in the majority of cases, in the larger portion of the area under paddy crop there is absolutely no doubt that the crops have failed in Kanni and Makaram and there is a prospect of failure in Medom also. I would therefore move for the adjournment of the House for the discussion of this question and I would also suggest that at least by way of relief the tax on paddy lands for the year 1110 should be completely remitted. With these few words I move the motion.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഈ സംഗതിയെപ്പററിത്തന്നെ ഞാനും ഒരു അടിയന്തിരപ്രമേയം അയച്ചിരുന്നു. എന്റെ മാന്യസ്നേഹിതൻ മി. ചങ്ങനാശ്ശേരി പരമേശ്വരൻപിള്ള ഇവിടെ പ്രതിപാദിച്ചിട്ടുള്ള സംഗതികൾക്കും പുറമെ ചില പ്രത്യേക സംഗതികളാണ് ഈ സഭയുടെ ആലോചനയ്ക്കു വിഷയമാക്കണമെന്നു ഞാൻ ഉദ്ദേശിക്കുന്നതു്. നാലഞ്ചു വർഷങ്ങളായിട്ടു ഉല്പന്നങ്ങളുടെ വിലക്കുറവു നിമിത്തം വളരെ കഷ്ടതയിലും അവശതയിലും ഇരിക്കുന്ന അവസരത്തിൽ ൧൧൧൦-ാമാണ്ടാരംഭകാലത്തിൽ പ്രകൃതികൂടിയും ഈ രാജ്യവാസികൾക്കു പ്രതികൂലമായിട്ടാണ് നിന്നതു്. കന്നികൃഷിയാണ് ഇവിടത്തെ പ്രധാനമായ വിളവെടുപ്പു കൃഷി. ചിങ്ങമാസം ആരംഭം മുതൽ കന്നിമാസത്തിൽ കൊയ്ത്തു തീരേണ്ട അവസരംവരെ തുള്ളി വെള്ളംപോലും കന്നി കൃഷി വിളവെടുക്കേണ്ട സ്ഥലങ്ങളിൽ കിട്ടാത്തതിനാൽ വിത്തിനുള്ള വിളവുപോലും കിട്ടിയിട്ടില്ല എന്നുള്ളതു എനിക്കനുഭവബോദ്ധ്യമായിട്ടുള്ള ഒരു സംഗതിയാകുന്നു. മകരകൃഷിക്കും ഇതുപോലെ വിത്തുപോലും കിട്ടുന്നതല്ല. മകരകൃഷിയിൽനിന്നും വിത്തുപോലും കിട്ടാത്തതുകൊണ്ടു് അടുത്ത കന്നികൃഷി നടത്താനും നിവൃത്തിയില്ലാതായിത്തീരും. പിന്നീടു തെങ്ങിൽ വെള്ളയ്ക്കാ പിടിക്കുന്ന അവസരവും കന്നിമാസത്തിലാണ്. മലംപ്രദേശങ്ങളിലെ തെങ്ങിനെ നോക്കുന്ന പക്ഷം ചിങ്ങം കന്നി ഈ മാസങ്ങളിൽ ഭൂമി നനയ്ക്കാതിരുന്നതിനാൽ മലംപ്രദേശങ്ങളിൽ ആകമാനമുള്ള തെങ്ങുകളിൽ വെള്ളയ്ക്കാ പിടിച്ചില്ലെന്നു മാത്രമല്ല കുലപോലും വെളിയിൽ വരുന്നതിനു സൌകര്യംഉണ്ടായില്ല.

DEPUTY PRESIDENT: Please do not repeat the arguments.

MR. N. E. VARUGHESE (*Tiruvalla I*): മലംപ്രദേശങ്ങളിൽ നെൽകൃഷിയെക്കാൾ കൂടുതൽ പ്രാമാണ്യം കല്പിക്കുന്നതു കുംഭപ്പൂ ദേഹണ്ഡത്തിനാണ്. മലംപ്രദേശങ്ങളിൽ ഉണക്കിന്റെ ഫലമായിട്ടു കുംഭപ്പൂ ദേഹണ്ഡവും നശിച്ചുപോയിരിക്കുന്നു. ഇതുനിമിത്തമുള്ള നഷ്ടം ഒരു ഭീമമായ ഒന്നാണ്. അടുത്തയാണ്ടിൽ വിളവെടുക്കേണ്ട ഈ ദേഹണ്ഡത്തിനു വിത്തിനു യാതൊരു മാർഗ്ഗവുമില്ലാതെ കർഷകർ വളരെ വിഷമിച്ചിരിക്കുന്നു. മലംപ്രദേശങ്ങളിലുള്ള കൃഷിക്കാരുടെ ഭക്ഷണം കുട്ടനാടൻപ്രദേശങ്ങളിലെ നെൽകൃഷിയെയാണ് ആശ്രയിച്ചിരിക്കുന്നതു്. കുട്ടനാട്ടിലെ കൃഷിയുടെ നഷ്ടം എന്തുമാത്രമുണ്ടെന്നു നിശ്ചയിക്കാൻ നിവൃത്തിയില്ല; അത്ര ഭീമമാണ് നഷ്ടം. വല്ല കാരണവശാലും ബർമ്മാനെല്ലു് കൊച്ചിയിലോ, ആലപ്പുഴയിലോ ഇറക്കുമതി ചെയ്യുന്നതിനു തടസ്സം നേരിട്ടാൽ മാത്രമേ ഈ നഷ്ടത്തിന്റെ ഗൌരവത്തെപ്പററി അറിയാൻ നിവൃത്തിയുള്ളു. കുട്ടനാടൻ പ്രദേശങ്ങളിൽ പുഴുവിന്റെ ശല്യം

[Mr. N. E. Varughese.]

നിമിത്തം ഉടമസ്ഥന്മാർ കൃഷി ഉപേക്ഷിക്കേണ്ടതായി വന്നു. ഇതു ഞാൻ തന്നെ കണ്ടും യോഗ്യന്മാരായ ആളുകളെ നേരിട്ടുകണ്ടു ചോദിച്ചും അറിഞ്ഞിട്ടുണ്ട്. തെക്കൻതിരുവിതാംകൂറിലെ സ്ഥിതി നേരിട്ടു ഞാൻ കണ്ടിട്ടില്ലെങ്കിലും വിശ്വാസയോഗ്യമായ അറിവു ലഭിച്ചിട്ടുള്ളതുകൊണ്ട് നാഞ്ചിനാട്ടിലെ കൃഷിയും മുക്കാൽഭാഗവും നശിച്ചുപോയി എന്നു കാണുന്നുണ്ട്. നശിക്കാതെ വല്ലതും കിടപ്പുണ്ടെങ്കിൽ അവിടെ വല്ല ആദായവും കിട്ടുമോ എന്നുള്ളതും സംശയമാണ്. അതിനാൽ കൃഷിക്കാരെ സഹായിക്കാൻ വല്ല അവസരവും ഗവൺമെന്റിനുണ്ടെങ്കിൽ അതിതുമാത്രമാണ്. പ്രജകളും ഗവൺമെന്റും തമ്മിലുള്ള ബന്ധത്തെ പ്രത്യക്ഷമായി കാണിക്കേണ്ട ഒരവസരവും ഇതാണ്.

DEPUTY PRESIDENT: Has the member any proposal to make?

MR. N. E. VARUGHESE (*Tiruvalla I*): Yes. ഗവൺമെന്റുദ്യോഗസ്ഥന്മാർ കണ്ണുതുറന്നു ജനങ്ങളുടെ കഷ്ടാവസ്ഥയെ നല്ലവണ്ണം മനസ്സിലാക്കേണ്ട അവസരവും ഇതാണ്. അതിനാൽ ജനങ്ങളുടെ കഷ്ടസ്ഥിതിയെ പരിഹരിക്കത്തക്കവണ്ണം കരം മുഴുവനായിട്ടു കുറവ് ചെയ്തുകൊടുക്കേണ്ടതു് ഗവൺമെന്റിന്റെ കടമയാണ്.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I entirely associate with all that has been said by the two previous speakers on the subject. I would also like to give the considerable experience that I have gained from my constituency of Kunnatnad about which I have personal knowledge. Due to want of sufficient rains during the months of Karkatakom and Chingom the 'ക്യാൽ' crops entirely failed. Excepting for small showers during the last days of Kanni and the early part of Thulam, the north-east monsoon also was a complete failure and therefore the Makarom crop has failed. I do not say that the entire crops have failed in every place. But the major portion of the crops have failed so much so that the ryot is not in a position to recoup even the seed he has sown. Loss, both to the landlord and tenant, is heavy. The tenant will not get the fruits of labour and the landlord will not get his pattom. It is all due to Nature's fault and Government cannot be held responsible for that. But we feel that Government are not really alive to the situation. Government are not helping the ryot to the extent they ought to. Remission of tax has already been dwelt upon. I have some suggestions to make in order to give relief to the ryot.

I would suggest one or two small remedial measures which might go a long way in helping the ryots of Kunnatnad and the ryots who

live near the Reserve Forests. In the Malayattur Reserve Forest we have plenty of eeta reeds out of which eeta mat can be made. It is a thriving industry of the poor persons who live on the river side. It is these persons who are the agriculturists of the place. The eeta-mat industry can be developed as a subsidiary industry so far as the agriculturists are concerned. But then on account of the royalty that has to be paid to the department for taking eeta from the Reserve Forest it is not thriving to the extent it ought to. So my suggestion is, if, for a period of a few months at least, Government could allow poor persons to remove the eeta reeds from the adjoining forests for *bona fide* purposes, free of royalty, that would go a long way to relieve their distress.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is it the member's idea that this eeta concession should be confined to poor persons?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Yes.

MR E. V. KRISHNA PILLAI (*Pattanamtitta*): How does it help the agriculturists?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*). Agricultural business is only for six months in the year. It is only during some months that a ryot is able to cultivate. During other seasons persons who live by the side of the Reserve Forests can carry on the occupation of eeta mat-making. If the Government could help them in that line, the loss sustained by the ryots due to the failure of crops could be made up to a considerable extent.

My second point is, I understand there is plenty of green manure obtainable in the forests. For the next crop, the ryots can be allowed to take head loads of these manure leaves for purposes of their crop. These poor persons, if they themselves take in headloads, should not be called upon to pay royalty provided the headloads are taken for *bona fide* agricultural purposes. These are the two suggestions that I want to offer in this connection.

MR. K. R. ELENKATH (*Kalkulam I*): The question before the House which has been so ably moved by Mr. Changanachery Paramesvaran Pillai is one that demands very serious attention both by the Government and by this House. We are groaning under a grave economic depression since 1105. It is really a sad plight that the agriculturists who hoped to live on the produce of their lands have been falsified. The failure of crops that we had during the last Kanni and the gloomy prospect of the coming harvest aggravates the situation. The very nominal concessions rendered by Government are but very little help to the hard hit agricultural population. The figures supplied to us as regards the sale of land for arrears of revenue from the year 1104 up to the present day show a rapid and steady increase in the number of cases of auction sale of immovable property for arrears of land revenue. The number which was 3,910 in 1104 rose to 17,172 in 1107 and that which in 1105 was 15,982 rose to 30,938 in the first eleven months of 1109. This is so even in spite of

[Mr. K. R. Elenkath.]

the 12 per cent remission of tax which they have been enjoying. That speaks of the general condition of the ryots. I point out this to show that even after the remission of 12½ per cent by Government the relief that Government have given is not substantial. In South Travancore my friend Mr. Parameswaran Pillai who has toured the country recently has borne testimony to the fact that the next crop is going to be a thorough failure. I have my own experience that way. On going round my constituency there was complete destruction of paddy by the drought even where a bumper crop was expected. In a particular pakuthi called Kappiyara nearly the 40 acres of paddy fields have become dried up entirely. The next season is going to be a much harder and harsder one to the ryots and if nothing is done to remedy their lot it will seriously affect the poor cultivators in particular and the State in general. Again in South Travancore there is water cess which adds to the heavy burdern of taxation. The Kodayar Project which never used to fail even in the hottest season of the year has this time proved to be of no use to the ryot. There are only two feet of water in the reservoir and it is going to be of no use for the next season. One can hardly imagine the hardship of the poor cultivator of the newly converted wet lands. If you go at midnight in those fields you will find them with spades in hand labouring to get the first flow of water from the channel. They risk their lives and sometimes even commit murders to feed their fields. Think of their suffering, Sir, when all their hope is blasted and they find no means even to pay their borrowed capital which they had spent on their fields.

DEPUTY PRESIDENT: You said you will give some suggestions.

MR K. R. ELENKATH (*Kalkulam I*): One of the suggestions that I would make is the total remission of land tax for 1110. Another is the total remission of water tax which the people of South Travancore and especially those who depend on the Kodayar Project have to pay. It comes to Rs. 7 per acre of converted garden lands and one rupee in the case of old wet lands. Another suggestion is that the actual cultivators for whom manure is taken by carts should be exempted from the payment of toll. By measures such as these at least some relief could be given to the poor ryots.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the situation in this country is very serious. I do not think by long arguments I will be able to move the Government to give the proper relief. What I have to say is that owing to the want of proper understanding of the difficulties of the people the officials are unable to fully appreciate the condition prevailing in the villages and amongst the rural population. From what my friends have stated it is clear that the people in the country are suffering very much. That could be appreciated only by persons who go to the place and at least see them even if they cannot suffer along with the people. They can at least see the actual condition.

I have got one or two constructive suggestions to be placed before the House. The remission of the tax has been stated here. In Travancore we find that the agricultural population and especially the paddy cultivators depend entirely upon nature. Of course there is the Kodayar Scheme and we have some irrigation channels in North and Central Travancore. But all these will be useful only if there is rain. Even with all that human ingenuity has discovered we have to depend upon nature and when the nature is so much against us and when the Government cannot protect us from the perversities of nature they should see that we are not injured or pressed. That is the reason why the remission of tax is suggested. I do not think it is an adequate remedy and I do not think it will benefit the whole population. But there is some grace on the part of the Government in not putting further pressure on the population in adversities. What I would suggest is that as the Dewan, the Chief Secretary, the Land Revenue Commissioner, the Law Member and the Financial Secretary to Government could appreciate the difficulty only by seeing things in person. They must divide themselves in groups and visit these taluks. They can have the co-operation of the members of the Legislature. We will accompany them and take them to those places.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): At whose cost this should be done?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): At our cost, and every thing is done at our cost.

DEPUTY PRESIDENT: It is degrading to invite the official members and say that you will meet the cost. Your point is that they ought to know these things.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, that is why I say "at our cost". These officers should divide themselves under different groups, one under the Chief Secretary, another under the Land Revenue Commissioner, another under the Law Member and another under the Dewan. They should take up 3 or 4 taluks and have a programme which is to be carried out immediately. They can also have the help of the non-official members.

DEPUTY PRESIDENT: It is the function of some of the officers to enquire into the matter. For this purpose there is the Division Peishkar and the Land Revenue Commissioner.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The situation is extraordinary. It is just as Nero fiddling when Rome is burning. Of course, Nero can fiddle but not when Rome is burning.

DEPUTY PRESIDENT: The officers are not fiddling.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, Sir. The analogy is quite appropriate. I know that there is the Division Peishkar. Yesterday I heard a reply from the Land Revenue Commissioner that there was a partial failure of the crops. When Mr. Thanu Pillai asked whether there was substantial loss the Revenue Commissioner was not able to give a reply. We have been hearing of the reports of the Division Peishars and the Tahsildars for so many times and the question

[Mr. A. S Damodaran Asan.]

of relief to the rural population has become a daily affair of this House. That is why I say that these officers should go to particular places. They can have our co-operation also. They must take us also so that we can point out the actual condition. After ascertaining the conditions proper relief measures should be taken. We cannot fight against nature, but we can make provisions for certain situations. We find that in South Travancore so many dams are in need of repair and many have not been repaired for a long time. In so many places irrigation schemes could not be carried out speedily owing to the cumbrous procedure now followed. I do not want the Government to entrust the work to the Irrigation Department. I know it will take years. By that time our condition will be hopelessly helpless. So what I would suggest is that the Government should entrust a lakh or two of rupees with Taluk Committees to be constituted with the Tahsildar, the Sub-Division Officer, Assembly Member or the Council Member etc., to be spent for repair of irrigation works. This is the proper time for that. If it is immediately carried out, say within 3 or 4 months, Government will be able to distribute at least 12 or 15 lakhs for the improvement of canals, tanks and other things and it may give better yield at least next year. This is not a matter which should be delayed. Any delay is suicidal. The Government should consider this aspect of the matter. After these gentlemen visit the places concerned, Taluk Committees must be formed and they must be given funds the proper expenditure of which should be controlled by responsible officers and non-officials. I am saying this because the paddy crops have absolutely failed. The people are on the point of actual starvation. This will give employment to the people in the villages. Considering these facts, I request the Government to take immediate action on the lines suggested by me, if the Government are not able to find better means of meeting the situation. I think the other functions of these gentlemen must lie over or they must do their usual work in addition to this. With these words I support the motion.

DEPUTY PRESIDENT: I have prescribed certain order and so Mr. Thanu Pillai may now speak.

MR. A. THANU PILLAI (*Trivandrum-Rural*): There is absolutely no exaggeration in my words when I say that the present distress is so accute that it demands the most serious consideration of Government. An almost universal failure of crops at an otherwise normal time is itself a very serious matter. Now, crops have failed and that under what conditions. From the year 1105 we have been suffering from the world wide economic depression and we are amongst the peoples that are hard hit in consequence of the depression. Our people mainly depend for their sustenance either on paddy or cocoanut or on both. These articles have not been fetching anything like an adequate price for the last six years. If the paddy fields had yielded something there

would have been something for the people to eat and they could have left other things out of consideration. But that food has been denied to them. There is absolutely no exaggeration in saying that this distress is wide spread and of the most accute nature. Mr. Damodaran Asan suggested the desirability of the Government officers visiting the areas where crops have failed. That is evidently because our experience in the past whenever we pleaded for the reduction of tax was that Government seemed to be not quite aware of the real situation in the country. As Mr. Damodaran Asan stated, the Revenue Commissioner told me in reply to a question yesterday that he had received some reports from the Division Peishkars but he could not give a correct idea of the extent of the failure of crops Many of the Revenue Officers are good people. But to me it appears that generally they are lacking in sympathy. Last time there was failure of crops in the Trivandrum taluk. The ryots there applied to the Revenue authorities for remission of tax. But one Revenue Officer told me that the application was not stamped, and that the survey numbers were not correctly given and so the applications could not be acted upon. That is the official mentality. If the applications were not stamped the best thing for the officer to do would have been to call upon the applicants to cure the defect. The Revenue Officers do not think it necessary to do even a small thing as that to help the suffering ryots.

The rules in regard to the remission of tax have been referred to here. The rules provide for the remission of tax only in the case on certain taluks. Mine is one of such taluks. But to many parts of the State the rules do not apply. We are passing through an exceptional period when crops have failed on account of drought and whatever is produced fetch only a nominal value. In case of failure of crops in normal times, there would probably be no necessity for a complete remission in certain taluks. But it is not so now. What I would suggest, therefore, is a remission, a complete remission of tax, on paddy lands for the whole year.

Secondly what I would urge is the postponement of the realisation of tax on garden lands till the next paddy harvest at least.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Should tax be remitted in the case of land belonging to Government officials ?

MR. A. THANU PILLAI (*Trivandrum—Rural*); Sir, this question was repeatedly put by the member on several occasions before.

DEPUTY PRESIDENT: The ancient history does not matter. If you have an answer you may give.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I do not yield to that question.

DEPUTY PRESIDENT: I request the member to give an answer, if he has one to give it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I have one to give, but I think it could be waste of time and I am not concerned with that.

DEPUTY PRESIDENT: Whether it would be a waste of time is not a matter for the member. A member of the House has put a question and Mr. Thanu Pillai, the member in possession of the House, may give an answer if he has an answer to give. I do not want to compel him.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I did not hear the question fully.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My question was whether the tax remission proposed by the member should be exercised upon in the case of Government officials also.

MR. A THANU PILLAI (*Trivandrum-Rural*): Yes, I propose remission in the case of all paddy lands where all the crops have failed. I do not want to exempt the Government servant. If he gets a pay, it is for the service rendered by him to Government and not to enable him to pay the tax.

Then, coming to the question of funds for carrying on the administration, cuts in the salaries of Government officers have absolutely no place so far as the Travancore Government are concerned. I would make in all earnestness one suggestion. The Government have converted the "Railway Sinking Fund" into a "Reserve Fund" as the Financial Secretary would call it. That fund is the result of the accumulation of money belonging to the people which they were able to allow to accumulate because of their prosperity in former years. Now is the time of their adversity. Now that Government have thought it fit no longer to continue that sinking fund, they may draw from it and utilise it for the benefit of the people who are in acute distress. I do not see any reason why that should not be done. If the officers' salaries cannot be cut, if Government cannot effect other items of retrenchment, if they cannot forego their luxuries, let them take 20 lakhs or 30 lakhs of rupees from the reserve fund and remit the land tax boldly and generously.

Then also as was mentioned by Mr. Varughese, for the next cultivation the ryots have absolutely nothing in their hands. Government must allot a sufficiently large amount for issuing small agricultural loans—not to be issued two years after the application as is now done but immediately after the application—for agricultural purposes such as the purchase of seed, &c., There will not be even the seed required for the next cultivation and they have to import it to the country from outside. So allot funds, and see that the ryots are helped to carry on the cultivation for the next season.

Then Sir, the Public Works Department ought to be very active. We need not restrict the activities of that department to the improvement of irrigation tanks and irrigation channels alone. By all means,

attend to them and also extent the activities of this department in other directions. Let the people have ample employment let them get wages and earn something for their maintenance. The Financial Secretary ought to ponder over the situation and he must see what would be the result if this is not heeded to at present. The result would be frightful. So, spend ample money on public works, issue sufficient number of loans, forego the tax and consider also what else can be and has to be done. Sir, I strongly support the motion.

MR. S. J. NAIR (*Nedumangad*): Sir, as an illustration of the suffering of the people due to drought, I shall point out one instance that took place in my taluk. There are about 8,000 paras of paddy field on the banks of the Vamanapuram river. Due to the scarcity of water, the crops, the best crops that it produced, I mean the paddy cultivation—dried up. And when they were about to be dried up, the people petitioned to the authorities concerned and I myself brought the matter to the notice of the authorities concerned and suggested certain cheap and important remedial measures. To the best of my knowledge, Sir, till to-day not a single responsible officer employed in the Sirkar service of the State has come to the rescue of the poor peasants there. These officers are given fat salaries and also loans to purchase saloon cars, and the place to which I drew their attention and immediate presence is only about 21 miles away from the Trivandrum town and it required only one hour to run up to the place. If only they had come and waited in their cars without getting down, they would have witnessed the sorrowful spectacle which I have described in my letter to the Government and to the authorities concerned. If they had asked the Agricultural Department or the P. W. D. to take two water pumps to the spot and if these pumps were worked for two hours, I dare say the paddy crops on this 8,000 paras of paddy field would have been saved This was not done. Such is the indifference on the part of the responsible officers of Government, I mean the indifference on the part of the P. W. D., Land Revenue Department, Agricultural Department and the Minor Irrigation Department, and as a result of which paddy crops of 8,000 paras of paddy fields were completely destroyed.

Again Sir, as a matter of fact, in various places in my taluk I am an eye-witness and I can convince the House, that due to the indifference on the part of the Minor Irrigation Department in not attending to the minor irrigation work, properly and in time, the paddy crops have been destroyed and the people are left completely helpless.

Then one word with regard to the sufferings of the unemployed educated classes in the State. Fortunately, or unfortunately the posts in the Government service in the State are being reserved as a close preserve for the members of certain families or for relatives of some officers in the State.

DEPUTY PRESIDENT: Do you want the unemployed to cultivate the land? Then only this point is relevant.

MR. S. J. NAIR (*Nedunangad*): I shall point out the relevancy of my point immediately I am coming to that.

Sir, posts in the Government service have become the exclusive preserves for some people and some families in the State.

DEPUTY PRESIDENT: Mr. S. J. Nair, please remember that it is irrelevant.

MR. S. J. NAIR (*Nedunangad*): So much so there is a sort of discontent and feeling of entire helplessness and despondency amongst the unemployed educated young people in the State. Very recently I find from the newspapers that they have formed themselves into a party known as the "Justice Party" and that they are going to carry on a sort of ruthless agitation in the land in order to destroy or pull down the citadal of......

DEPUTY PRESIDENT: Unless you are going to suggest that young people should be encouraged to cultivate lands, and unless money is given to them for that purpese, your point is not relevant.

MR. S. J. NAIR (*Nedunangad*): I will come to that point, Sir. The reasons for the sufferings of the people in the State I would summarise as: (i) sufferings due to drought; (2) sufferings due to in difference of officers (3) sufferings due to difficulty of getting proper price for agricultural products (4) sufferings due to unemployment of literates in the State. Sir, the results of the above sufferings are (1) the failure of paddy cultivation in the State; (2) the universal demand on the part of the people of the State for salary cut of the high officers; (3) the economic depression and the consequent impending famine; (4) and the political and social unrest in the land. As remedy for these sufferings I would suggest, Sir, (1) the need for the immediate remission of land tax including water cess for the whole year (2) salary cut (3) exemption from arrest and detention in civil jail of decree-debtors; (4) conducting new works by the Minor Irrigation Department in order to improve the condition of irrigation; (5) granting of agricultural loans to agriculturists; and (6) the reduction of interest for all sorts of loans, such as Bank loans, Agricultural Loans and Co-operative Loans etc. Some sort of immediate measure like that of the "Bhavanagar Scheme" ought to be introduced here also. There is no use of appointing any committee to go into the question of economic depression and agricultural indebtedness. Sir, we have had sufficient experience of the workings of committees and the result of their labours. When the Governmental authorities want to avoid the people's request, when they want to drag on or evade an important issue involved in an important question then they send it up to a committee and when questioned they would say that they have appointed a committee to investigate the matter. Let the Government appoint any committee and let the committee's recommendations come and go. We are indifferent about it. We have had bitter experience of the ways and means of appointing committees and the workings of the committees. So, I would request

the Government to take up the initiative, irrespective of the recommendations of a committee in the matter of a scheme like the one that was adumbrated in Bhavanagar. A few days ago some of the representatives of the people of the State, I mean the representatives of the agriculturists in the State, have waited on deputation to the Dewan and submitted a memorial.

DEPUTY PRESIDENT : You speak of Travancore and not Bhavanagar.

MR. S. J. NAIR (*Nedumangad*) : Sir, very recently in Travancore, and not in Bhavanagar, the representatives of the agricultural interests in the State waited on deputation to the Dewan and submitted a memorial; and various methods are suggested in that memorial in order to aggravate the present sufferings (*laughter*), excuse me, Sir, a slip of the tongue, to alleviate the present sufferings of the people in the State and if the requests contained in the memorial are accepted in toto, as early as possible, it would be a source of great relief to the suffering peasantry in the State.

The next point, I would refer to is, that agricultural colonies for the unemployed educated classes in the state may be founded; and appointments may not be kept as special reserves or privilege for any particular class of people or privileged families in the State. Giving appointments on the talukwar basis, not on communal or family basis, would promote contentment, happiness,.........

DEPUTY PRESIDENT : Your time is up.

MR. M. SIVATANU PILLAI (*Tovala*) : I need hardly say that I associate myself with the remarks offered by the previous speakers excepting of course some offered by the Honourable member for Nedumangad. I am rather afraid that most of the members who spoke before me, have not correctly understood the situation at present of paddy growers in Nanjinad. There are nearly 60,000 acres of paddy lands, both wet and dry lands, converted into wet lands, paying as land tax over 1/5 of the land revenue of the State and about 70% of the irrigation revenue under the Kodayar Project scheme. A reference to the Land Revenue Department Report will make it clear that out of Rs. 20,07,000 obtained under the irrigation head a lakh and Rs. 44,000 is contributed by the Nanjinad commanded area, about Rs. 65,000 by Kalkulam and over Rs. 3,000 by Vilavancode taluk. On account of the failure of the season and the rainlessness from the beginning of this year the last Kanni crop was greatly affected and crops in 5,000 acres in the taluks of Tovala and Agastiswaram were consequently damaged, thereby necessitating the Land Revenue Department to report about them to Government for purpose of remission of tax. The disappointment of the monsoon continued and caused naturally considerable damage to the growing seedling for Kumbhom crop.

The plantation of seedlings had to be delayed on account of the failure of monsoon which itself affected the growth of cultivation, the seedlings having grown rather old and over-grown. The draught

[Mr. M. Sivatanu Pillai.]

continued to the Kumbhom crop season as well and the depletion of the Kodayar Reservoir could not afford anywhere near the sufficiency of irrigation. At last the reservior itself failed and the paddy plants were left to themselves in different stages of maturity. In this connection I may recall with grateful appreciation the sympathy so promptly shown by the Government in their recent Press Communique that about 23,000 acres alone could be saved and the rest of about 30,000 could not be supplied with water. Sir, the experience subsequent to the above communique has be-lied its hope; perhaps the calculation of 23,000 acres reserved for protection was built upon a hope that there would be some rain in the meanwhile. Now that the disappointment continues bitter and bitter, even these have been abandoned one after the other and the present sight of the condition of crops is most doplorable. Fields with complete straw colour, half straw, and in some green colour of a few plants which are already dead, are now seen in the place of fields usually at this time seen with blossoms and bunches requiring one or two watering for harvest. Now what do all these mean for the poor ryots? They have sustained damage to the extent of 25 lakhs of rupees in all the 60.000 acres at the rate of Rs. 44 per acre as cultivation expense as found by the Economic Enquiry Committee at page 43 of their report. This great loss does not include any interest charges on investment of capital or of their expenses for cultivation. The late Mr. M. E. Watts once said in the course of his reply to a farewell address that the Nanjinad people gave him the least trouble, not caring who administered the country, but they only looked at the Kodayar reservoir reading and satisfied themselves. Now what is really the condition in the reservoir? It is only about a foot and a half. Does it give them satisfaction and what else does it mean for them? Not only have they sustained heavy damages in the last Kanni crop but they have no Kumbhom crop as well. In other words the old granary of Travancore of historical memory has now become just the reverse. Nanjinad has now become a terrible drag on the State. Writing in 1743 A. D. when Travancore was in the process of making their northern conquest another Gollonassa, the Dutch Governor at Cochin, observed, the country produces as much rice as is required to feed her inhabitants. Nanjinad produces so much of this grain that the king levies toll every year amounting to 3 lakhs gallions on the price in the husk exported to Pandi country.' That is, the toll income was about Rs. 40,000 every year, a gallion being considered equal to 1/7 of a rupee. Now what is the position? Northern conquest is finished. The Northerners in their turn have completely elbowed out the Sotherners. Instead of exporting paddy actual famine condition would have prevailed but for the dumping of Burma paddy into Nanjinad. The Census Report on page 487 says while dealing with the indebtedness of the people as follows:—

"Among the administrative divisions the proportion of mortgages is the highest in the Southern Division. Some members said that the

economic depression began from the year 1105. Now, what was the position of the Nanjinadians before the year 1105? In the same page 488 in the Census Report the avera e indebtedness per head in Southern Division is Rs. 121 till the end of the year 1104 and Nanjinad, the main portion under the commanded area of the Project as a result of the Project, is in the forefront in marching the country to irrecoverable economic ruin. Classifying the communities with reference to their indebtedness it is seen that Nanjinad Vellala community whose occupation in life is mainly paddy cultivation is found to have executed debt amounting to 8·8 lakhs, claimed debt 4·2 lakhs the Ezhavas executed debt 29·5 lakhs, claimed debt 29·5 lakhs and Nairs executed debt 83·5 lakhs and claimed debt 34·7 lakhs. These also refer to their condition up to 1104. It is note-worthy that the Nanjinad Vellala whose population is only 1/24 of either the Nair or the Ezhava has got an indebtedness amounting to 212 lakhs for the same population. Sir, these conditions are brought about slowly and steadily by the indifference and callousness of the Government in the matter of imposing a system of heavy taxation the average of which is found calculated to be Rs. 26 per acre as seen in the Economic Enquiry Committee Report and in the stupid policy of auctioning away indiscriminately tank-beds which may at this time act as so many reservoirs to irrigate the fields. The remedial measures I propose to suggest are two-fold. One is a complete remission for the whole year of 1110 and the other is to allot an amount equal to the damage sustained by the ryots in the matter of raising the Kumbhom crop. That is, I mean to allot 25 lakhs of rupees for distribution as loans on easy payments and at cheap rate of interest as the Government did in the case of Kuttanad. To understand the correct situation of the paddy lands in Nanjinad at present there were representations by means of resolutions and public meetings inviting the Dewan to go over to the spot and satisfy himself about the condition. I cannot close these observations better than by reminding myself once more of the true suitation in Nanjinad. The people have come to the tithe end of their resoures; their gold has rapidly found its place in the several banks at Nagercoil which have of late appeared just like mushrooms and from these, it found its way to Tinnevelly to be transmitted into bars, then sent to Bombay and from there sallied away to far-off islands never more to return. A complete remission is not too much and a loan on such easy payments is not a language of hyperhole. The people are despondent and their prospect is gloomy. They are practically driven to the wall. Any description of them would not be truer than that of count Mirabeau of France who once said in prophetic words "Beware of the class of people who have got but to fold their hands to become dangerous.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, I am rising to say that I am perfectly at one with my friend Mr. Parameswaran Pillai in the matter of the motion now before the House. Representing as I do a major portion of the Kuttanad tract in North Travancore, I

[Mr. P. K. Narayana Pillai.]

cannot but bring to the notice of the House the great hardships to which the people of that particular tract are subject at present. Even before the present troubles arose the cultivators and owners of lands in the Kuttanad regions had already been brought to their knees by the great economic depression prevailing in the State. Year after year the people of Kuttanad have been making persistent representations to invite attention to the extreme difficulty of carrying on cultivation in this part of the State. Some sort of tinsel relief measures have been off and on afforded by Government by way of remission of tax up to a certain percentage and loans hoping that it would meet the requirement of the situation. But that such measures are inadequate to the requirements, goes without the need of elaborate proof. This year the amount of difficulty experienced by the cultivators of the lands in Kuttanad has been so great that even persons who could command necessary resources were obliged to borrow wheresoever borrowing was possible and thus cultivation was raised. But to the great misfortune of the people the paddy fields which used to present an expanse of green glory nodding to the blowing wind, a sight on which the human eye likes to linger, are now blighted by the worm pest invading the nursery of our prosperity and the people's hearts are weighed down as if with lead. To add to this particular trouble of worm pests we have got the additional misfortune of brackish water from the Vembanad lake ready for an onrush to the fields of the Kuttanad region. So they are confronted with two difficult problems. It is no wonder, therefore, that despair is imprinted deep on the face of the cultivator in that particular region. That is the position there. Turning to other parts of the State, Mr. Sivatanu Pillai the other day when he met me, though he was himself in the midst of Municipal administrative troubles opened the talk with a lament on the pitiable plight of paddy cultivation in Nanjinad. That is the position there. Even in Nedumangad my friend Mr. S. J. Nair has told us how the Vamanapuram river has failed to supply water to the cultivators and proved quite treacherous. So, then, so far as paddy cultivation in the State is concerned it is one clean sweep of extensive misfortune. I suppose many of the learned gentlemen on the official benches are fully aware of the situation. I may particularly mention that Mr. George has got his original home in Edathuva in Kuttanad. He certainly can appreciate the conditions prevailing there. The Agricultural Director, I am glad to say, belongs to the Kuttanad region. He is a well-meaning gentleman. But what is he to do in this wild welter of misfortune? Therefore I am bringing to the notice of the Government that they have to take pretty early steps to meet the situation if they are to govern the State as they profess to do in the interests of sound administration. Famine conditions, they have to be prepared to meet. As matters are at present remission of tax is inadequate to the purpose so far as I can see. As I said be prepared for famine conditions. That ought to be the outlook of the Government in a juncture like this.

No doubt various measures can be suggested and accepted by any sympathetic Government in a situation like this. Public Works may be undertaken as has been suggested by some learned speakers who spoke before me. We have had instances like that. During the time of Dewan Mr. Sankarasubbier a road from Ambalapuzha to Alleppey was constructed when that region was the worst for scarcity, in order to find work for unemployed labour. The road was undertaken though it was not absolutely necessary. It is even now known as "Kshama-road". So much works can be under-taken. Labour may be available on cheap terms, and the Government would thus be enabled to distribute the funds they command in a spirit of charity and utility. Similarly various other means of that description may be attempted. These lines of action can be started if the Government mean to be sympathetic and are prepared to face the situation.

Sir, it is not necessary to lay too much emphasis on a question like this. It is self-evident. And I do not expect anything like serious opposition to what is being urged by this House. With these observations I quite agree to the motion that is placed before the House.

MR. K. PADMANABHAN (*Chirayinkil I*): Sir, I wish to add a few words in support of this important motion. The bulk of the State is passing through a very severe drought. On account of the failure of rains many irrigation tanks have dried completely. Crops in various parts of the land are practically destroyed.

Sir, there has been a consistent and persistent clamour in this House as well as elsewhere, that minor irrigation works are not properly attended to and the funds allotted for that purpose are very meagre. There are innumerable instances of the irrigation tanks being registered in the names of private individuals and converted into garden lands and paddy fields. Many irrigation tanks are lying in a state of total abandonment and several others are being unauthorisedly occupied by private individuals. And this policy which has been followed late by Government in neglecting the irrigation tanks has contributed to a large extent to the present state of the failure of crops. If prompt action had been taken by the department concerned in the matter of the preservation of irrigation tanks and canals the present shortage of water supply would have been avoided at least to a small extent.

The economic depression is already very acute and the situation is aggravated by the present failure of crops. We hear that in several places there is shortage of drinking water even. We also hear reports to the effect that epidemics like cholera and small-pox are also breaking out in various parts of the State. From this we could understand that a very serious crisis is impending and unless the Government comes forward ready to do something by way of relief to the distressed, the present miserable conditions will remain.

The other day the Land Revenue Commissioner has been heard to say that he has been receiving reports from Dewan Peishkars that there is only partial destruction of crops in certain taluks. These reports of the Peishkars are based upon the reports they get from the

[Mr. K. Padmanabhan.]

Tahsildars who in their turn get them from the Proverthicars. A certain land-holder of my constituency told me that the matter of the failure of crops should be brought to the notice of the Government. I asked him why he did not try to send a report to the Revenue Commissioner through the Revenue subordinates. He replied that the agriculturist is helpless. The Proverthicar would not send a report unless he is paid at least Rs. 5 for a plot of paddy field yielding an annual land revenue of half a rupee. In the circumstances I entirely agree with the suggestion made by Mr. Asan. It would be well if responsible officers could tour throughout the State and witness the conditions themselves, and I should like to press on the attention of the official benches the suggestions made in this House with all the sincerity and earnestness. The situation demands immediate remedial measures. We are confronted with a very serious problem. It is no use, as Mr. S. J. Nair suggested, to appoint a committee which would as usual be trying to avoid doing things. What is required is prompt and honest action. Of course, there are various measures of relief. But there is no necessity to repeat the measures already suggested by other members. Any responsible Government which has got the slightest regard for popular feeling, I am sure, would do something to relieve the present distress.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : Sir, it is with a feeling of depression that I rise to support this motion, because we know the sad fate which follows the passing of such adjournment motions. I need not remind this House, Sir, that in the last session there was a motion, of equal importance if not of greater importance, as regards the imposition of import duties on certain products by the Ceylon Government. I distinctly remember that our Government assured us that representations would be made to the Government of India to get some relief to the Travancore producers. But no such representations were made and the Government is fully aware of the real situation of the country. If the Government really want to do some relief, if the Government want to see that the people are not to die of starvation, certainly, Sir, this Government can do something to alleviate this misery and the suffering that our people are undergoing. Well, Sir, as one who comes from South Travancore I know that practically the whole part of that country is seriously affected by the present failure of crops. I can say that I have first-hand knowledge of the situation there and I can safely assert that if something is not done immediately to remedy the situation, the task which would confront the Government afterwards would be beyond their resources to cope with. I can safely assert, Sir, that even at present famine conditions are actually prevailing in almost all the taluks of South Travancore. Nanjinad which is the granary of South Travancore and which produces the greater quantity of paddy for the requirements though not for the whole population of the State, at least for a large number of taluks in the State, has been

practically turned into waste land except for a few acres to be supplied by the reservoir at the Pachipara Dam. The rest of the Nanjinad area especially those which are newly converted as paddy lands and which are supplied by the channels are completely dry and the crops therein have completely failed; that is the condition of the three taluks of Agasteeswaram, Tovala and Kalkulam and coming to my own taluk of Vilavankod, Sir, that is in a very unfortunate situation, the taluks of Vilavankod and Neyyattinkara are now suffering acute distress. Neyyattinkara and Vilavankod are in a peculiar situation. Once, Sir, we were promised water from the Kodayar Reservoir. At that time a scheme for the construction of a canal was drawn up but by some engineering feats in the course of construction it was found out that there was not sufficient water for the channel and the work was dropped.

DEPUTY PRESIDENT: Mr. Narayana Pillai, relief measures are more important.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): So, Sir, that is the peculiar conditions so far as these two taluks are concerned, and I can say that almost all the wet lands in these two taluks have been completely dried up. Sir, in many places there is not even drinking water. I would, in this connection, urge on the attention of Government the immediate necessity of appraising His Gracious Highness the Maha Raja of the real situation in the country.

DEPUTY PRESIDENT: I do not know if you are in order when you make that suggestion. This House is concerned only with the Government.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I only suggest that the situation as it exists should be communicated to His Highness the Maha Raja as early as possible.

In regard to relief measures, Sir, remission of tax only touches the fringe of the problem. That cannot solve the whole problem throughout the State. That can at best be only a palliative for the time being. The present famine is sure to be followed by serious consequences. For instance, we will have to depend almost entirely on imported food grains; and the inevitable middleman is sure to exploit the situation at the expense of the poor famine-stricken people in the country. He must be eliminated. Government must take stock of all food-grains available, collect and store them and arrange for proper distribution in the famine-stricken areas. That would be a very useful and necessary measure of relief.

Then agin, Sir, works of public utility, especially minor irrigation works, must be immediately started and executed by Government.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Sir, the number of adjournment motions that have been tabled for discussion, on this subject, and the number and nature of the speeches that have been made on this subject, clearly indicate the grave anxiety

[Mr. K. George.]

and concern that the non-official members have about the present condition of the ryots in Travancore. I can assure the House that Government share with them fully their anxiety and concern about the pitiable condition of the ryots consequent on the drought, (*Hear, hear.*) which is an infliction of nature on the people of Travancore.

Sir, the south-west monsoon was, we all know, a partial failure—I cannot say it was a complete failure—and, as a consequence, in some parts of the State, particularly in South Travancore, I noticed it personally myself, the crops had to be given up. Still, on the whole I cannot say that the Kanni crop was a total failure. We had fairly good crop in several parts of the State. In South Travancore, where the crops did not prove altogether successful, the ryots took advantage of the situation and, under the Remission Rules, applied to the authorities for remission of tax. But, their applications came after the last date prescribed. Still I actually inspected the localities concerned and instructed the Tahsildars to receive the applications for remission, although they were late, and to submit their recommendations. Their recommendations were duly received, along with the recommendations of the Peishkars and, on my recommendation to Government, Government also were good enough to sanction the receipt of the applications even after the expiry of the last date prescribed. And, all these applications are being investigated.

MR. S. J. NAIR (*Nedumangad*): May I know whether court fees or stamp fees were levied on those applications? (*Laughter.*)

DEPUTY PRESIDENT: The Land Revenue Commissioner is making a serious statement: such details as Mr. Nair wants can certainly wait.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): As I was submitting, Sir, the granting of remission in South Travancore is being investigated.

In regard to the Kanni crop, I must say, Sir, that the reports from the various Peishkars are not at all similar. They vary considerably as to how far the scarcity of rain has affected the crops. I myself made enquiries. On the whole, the idea that I gathered was that the Kanni crop could not be regarded as a total failure so far as the northern taluks are concerned. In Quilon, it is true that, in certain taluks, the scarcity of water has affected the crops; but, judging from the reports, I cannot say that the situation was very bad. The north-east monsoon also........................

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): May I know whether the concessions regarding the reduction in the tax were extended to the royts of the Agastisvaram taluk?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

DEPUTY PRESIDENT : That question too can wait, I think.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry South*) : Before he goes on to the north-east monsoon and to the Kumbham crop, I thought I could ascertain whether the concession, in regard to the reduction of tax was extended to the Agastisvaram taluk.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I am not quite sure about the Agastisvaram taluk, specifically; but, so far as I can remember, I belive I inspected the Agastisvaram taluk also and included that taluk also for the concession.

Sir, the ryots were naturally hoping that the scarcity of rain in the south-west monsoon would be made up for by this north-east monsoon. But, unfortunately, the hopes of the ryots proved rather illusory. There were a few showers towards the close of Kanni and the beginning of Thulam : and, taking advantage of these showers, the ryots began their agricultural operations. But it was rather late also. Unfortunately, those showers were followed by severe drought so that we have had, by now, a stretch of about eight rainless months. (*Hear, hear.*) The result, naturally, is that the ryots are in a pitiable condition.

Comming to the actual condition of the crops in the various parts of the State, I found, during my recent circuit to North Travancore, that the crops were affected by the drought as well as by the worm pest. I personally saw some of the fields. I cannot say I have visited many fields or many taluks since I could not get convenient opportunities to do so. But, I was regularly getting season reports and I examined them. The season was certainly very unfavourable. Further, after notice was given of the adjournment motion, I telegraphed to the Peishkars as well as to the Tahsildars of some important taluks (important because of the large extent of paddy cultivation there), to wire to me the real situation in the respective localities. I am glad to find that the telegraphic reports I have received are not so alarming as I expected. The situation is not very bad. Still, certainly, the position cannot be regarded as anything but serious. I shall read some of the telegrams I have received. The Quilon Peishkar wires :—

> "Crops poor owing to scarcity of rain except in very low areas. Punja cultivation affected by a kind of moth in many areas."

The Kottayam Peishkar wires :—

> "Kayal crops infected with worms. Others also not quite satisfactory."

The Agastisvaram Tahsildar reports:—

> "Water scarcity severe. Conversion crops fail. Ayacut crops water supply hopeful."

The Tahsildar, Ambalapuzha, wires :—

> "Punja crops. Kuttanad affected by worm. Ryots striving hard to erradicate."

MR. M. SIVATANU PILLAI (*Tovala*) : May I know whether the Agastisvaram Tahsildar is still there? I was told he was on leave.

MR. K. GEORGE (*Land Revenue and Incom Tax Commissioner*): We are not concerned with the individual. There is always an officer there doing the duties of the Tahsildar. Further, the report which followed the telegram has been signed by the permanent Tahsildar of the place.

DEPUTY PRESIDENT: There can be only one Tahsildar holding office at one time in a taluk.

MR. N. E. VARUGHESE (*Tiruvalla I*): കമ്പി അയച്ച അവൎക്ക കിട്ടിയസമയവും മറുപടിഅയച്ച സമയവും തമ്മിൽ എന്തു വ്യത്യാസമുണ്ട്?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I had asked them to telegraph express. Otherwise I could not proceed. If I had waited for written reports I would not have had the opportunity to place any facts before this House.

RAO SAHIB S. PARAMESVARA AIYAR (*Nominated*): Was any letter received from the Trivandrum Peishkar?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes. I have a letter from the Trivandrum Peishkar. I got it yesterday. He begins:

'I have the honour to inform you that it is seen from the season reports..."

To read the whole letter will take a long time. The Trivandrum Peishkar reports generally that the conditions are rather poor.

DEPUTY PRESIDENT: I thought you began to read something which began with the season reports.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

DEPUTY PRESIDENT: Has he given any special information?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): He was speaking first of the rain conditions of the season.

MR. A. THANU PILLAI (*Trivandrum—Rural*): He has seen the season reports published in the Gazette?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Yes.

DEPUTY PRESIDENT: I wish to know whether the Peishkar inspected the places.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): If I read the letter it can be seen. Briefly what he says is that the water supply was insufficient, that the rain failed.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member whether he makes any difference between scarcity and insufficiency of supply of water?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): There is scarcity of water.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know what the Peishkar says about Vilavankod?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): His report does not make any specific reference to particular taluks as he had to send his report in the course of the day itself.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : May I know from the member whether he called for reports for taluks like Vilavankod and Neyyattinkara which are purely rainfed ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : No. This is what the Peishkar says :—

> " I found nearly 25 per cent. of the cultivation of these conversions have all been destroyed and the balance of 75 per cent. could be saved and made to yield about 50 per cent. of the normal yield if rain fell within one week (from that day)."

MR. M. SIVATANU PILLAI (*Tovala*) : May I know from the member what he has got to say with reference to the press communique which distinctly refers to 50 per cent. of the commanding area having been given up on account of the scarcity of water ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : Let me first finish what the Peishkar says. The season report for the week ending 4-6-1110 shows that the rainfall in the southern part of the division was very good being ·35, ·5 and ·9. Kulapuram has not been as badly affected as these conversions. These may still be saved if supplies can be arranged to be made once a week."

He goes on to say that he had a talk with the Executive Engineer who said that the supply would be made only to those areas where the crops had not already withered so that he could sustain those localities where there is any chance of the crop being saved.

MR. M. SIVATANU PILLAI (*Tovala*) : Is there any definite information before Government that he did supply or he is actually supplying at present ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : I cannot say anything about that. Some time ago I referred to the report from the Agastisvaram Tahsildar. In the case of South Travancore, there are, as I said before, remission rules and the time for the application for remission has not expired.

DEPUTY PRESIDENT : You have exceded the time-limit. A little more time I am prepared to allow you.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : The Agastisvaram Tahsildar has reported that until yesterday he has received 1,600 applications, covering an area of about 7,000 acres for remission and that more applications are pouring in.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*) : May I know from the member whether he has received any figures for Neyyattinkara ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): No. The Peishkar has sent me a note to say that the Taluk Tahsildar has received 160 applications.

So far as the Southern Division and Shencotta taluks are concerned, they have got regular remission rules and the royts who have been affected by this drought can take advantage of these remission rules and make the necessary application to the Revenue authorities by whom the application should be considered after personal inspection.

MR. K. R. ELENKATH (*Kaikulam I*) : May I know whether the rules provide for remission of tax on lands which have been laid fallow for fear that there will not be sufficient supply of water ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I cannot give any exact details in regard to that.

Next I shall consider the situation in Central and North Travancore. There are no remission rules there. All that I can say at the present moment is that we have not come to a stage when we can determine what the loss to the cultivators will be. It is true that the situation is serious. At the same time it is not a matter on which an immediate decision can be taken by Government, because in the case of the punja crops in North and Central Travancore they are in the transplanting stage. In the case of the other areas we can decide what exactly will be the loss only when we are nearer the harvesting of the crops.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I inform the member that in certain parts of North Travancore the harvesting is over?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Government are certainly prepared to consider the condition in these parts very sympathetically. They would ask their officers to study the situation and make special reports to Government as to the conditions of the harvest and what the result is. Well, it may be that in some places the harvest is a total failure. But there may be cases in which the harvest is not a total failure. In some cases the harvest is said to be somewhat good. In such cases I consider that we need not benefit the ryots as they are well off. So, what the Government would do is to ask their officers to go into this matter carefully and sympathetically. In the meantime those persons who are really hard-hit can themselves make representations so that the local Taluk officers may be in a position to verify field after field.

MR. M. SIVATANU PILLAI (*Tovala*): With reference to the sympathy of the officers, may I know whether the member is aware that the Trivandrum Division Peishkar issued instructions to his subordinates, quite against the Government order, not to remit any tax?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I heard it said only today. If the member had informed me of this sometime ago, I would have made an enquiry about it.

MR M. SIVATANU PILLAI (*Tovala*): May I know whether the Chief Secretary while on camp at Cape was made aware of it in the presence of a Tahsildar who admitted it?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I did not hear it. I shall make an enquiry about that.

MR. M. SIVATANU PILLAI (*Tovala*): Am I to take it that when there was no authority to issue such instructions, the Peishkar did it?

DEPUTY PRESIDENT: All this proceeds on certain hypotheses which have not been verified. Therefore, Mr. Sivatanu Pillai's question need not be answered.

MR. M. SIVATANU PILLAI (*Tovala*): I take on myself the resposibility for the statement that the Trivandrum Division Peishkar issued such instructions to the Division Tahsildar and this was also confessed in the presence of the Chief Secretary while he was camping at Cape.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have already promised to make an enquiry into that.

MR. M. SIVATANU PILLAI (*Tovala*): Am I to take it then that the Chief Secretary did not bring it to the notice of the officer and ask him about it?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the Land Revenue Commissioner promise that he will recommend the dismissal of the officer if what Mr. Sivatanu Pillai says is found to be true?

DEPUTY PRESIDENT: All these are hypothetical questions and connot be answered, and any promise given by a Government member will not hold unless facts are proved. In regard to Mr. Sivatanu Pillai's question, unless the member says that a petition addressed to Government was given to the Chief Secretary I cannot allow the question because the Chief Secretary is not an Executive Officer.

MR M. SIVATANU PILLAI (*Tovala*): I want to know from the member whether the Chief Secretary referred the matter to the Land Revenue Commissioner for enquiry.

DEPUTY PRESIDENT: Before allowing that question I should be satisfied that the member presented to the Chief Secretary a petition addressed to the Dewan. Mere mention to the Chief Secretary is not sufficient because he is not an Executive Officer.

MR. M. SIVATANU PILLAI (*Tovala*): My question in this House may be taken as a representation made to Government.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I have already promissed that I shall enquire into the matter.

DEPUTY PRESIDENT: There is only one minute more.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): Sir, I was saying that in the case of this remission it is necessary to inspect the filds.

MR. A. THANU PILLAI (*Trivandrum—Rural*) Seeing that the failure of crops is so universal, is it feasible that the Tahsildar inspects every bit of land?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): It is practicable.

DEPUTY PRESIDENT: Mr. S. J. Nair, you wanted to put a question about stamps for remission petitions.

MR. S. J. NAIR (*Nedumangad*): I do not want to ask it.

MR. E. V KRISHNA PILLAI (*Pattanamtitta*): I move that the question be now put.

DEPUTY PRESIDENT: Mr. Changanachery Paramesvaran Pillai, do you press your motion?

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Yes, I press the motion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): According to the rules it must automatically terminate as it is now half past five.

DEPUTY PRESIDENT: According to my time-piece there is yet a minute more and I shall therefore ask the House to vote on the motion.

The question was put and the motion was declared carried by an overwhelming majority.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I demand a poll.

DEPUTY PRESIDENT: Considering the very overwhelming number of members who raised their hands in favour of the motion, is a poll necessary?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I do demand a poll.

DEPUTY PRESIDENT: After all, I think taking a poll with regard to this matter when there is an overwhelming majority would be unnecessary.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have a right to demand a poll. I want to record the opinion of the House and the Regulation provides for me to ask for a poll. Therefore I demand a poll under the Regulation.

DEPUTY PRESIDENT: Please do not advance that kind of argument. I only said that because there is an overwhelming majority Mr. Kunjukrishna Pillai or any other member would not insist on it. The chair is not without a discretion in putting that view before the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I want that to be recorded.

DEPUTY PRESIDENT: Seeing that Mr. Kunjukrishna Pillai is very desirous of having a poll, I am prepared to allow it.

A poll was taken with the following result:—

AYES—54.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, V. T. Chacko
5 ,, S. Chattanatha Karayalar
6 ,, P. Chidambaram Pillai
7 ,, A. S. Damodaran Asan
8 ,, A. Easwara Pillai (Kalkulam II)
9 ,, A. Easwara Pillai (Kottrakara)
10 ,, K. R. Elenkath
11 ,, Antony George
12 ,, M. Mahomed Haneef
13 ,, S. J. Nair
14 ,, M K. Janardana Kamath
15 ,, T. S. Jayantan Nambootiri
16 ,, N. John Joseph
17 ,, T. C. Joseph
18 ,, K. C. Karunakaran
19 ,, T. T. Kesavan Sastri
20 ,, K. M. Krishnan
21 ,, K. P. Krishna Menon
22 ,, Pottayil S. Krishna Panickar
23 ,, E. V. Krishna Pillai
24 ,, N. K. Krishna Pillai
25 ,, Puthupalli S. Krishna Pillai
26 ,, T. Krishna Pillai
27 ,, K Kunjukrishna Pillai
28 Mr. C. V. Kunjuraman.
29 ,, E. K. Kunjuraman
30 ,, K. M. Kuriakose
31 ,, K. Madhavan
32 ,, M. K. Madhavan Pillai
33 ,, K. Mahomed
34 ,, M. N. Nair
35 ,, P. C. Narayanan Bhattatiripad.
36 ,, K. A. Narayana Pillai
37 ,, Pacode A. Narayana Pillai
38 ,, P. K. Narayana Pillai
39 ,, G. Nilakantan
40 ,, S. Nilakanta Pillai
41 ,, K. Padmanabhan
42 ,, Edavanatt S. Padamanabha Menon
43 ,, Kainikkara M. Padmanabha Pillai

44 Rao Sahib S. Paramesvara Aiyar
45 Mr. Changanachery K. Paramesvaran Pillai
46 „ V. Ramakrishna Panickar
47 „ R. Sambasiva Aiyar
48 „ K. Sankaran
49 Mr. M. Sivatanu Pillai
50 „ A. Thanu Pillai
51 „ S. Thiraviam Nadar
52 „ N. E. Varughese
53 „ V. K. Velappan Nair
54 „ T. P. Velayudhan Pillai

NOES.—11.

1 Mr. K. George
2 Rao Sahib Dr. N. Kunjan Pillai
3 Mr. R. Nilakanta Pillai
4 „ R. Dhanukoti Pillai
5 „ Kayalam Paramesvaran Pillai
6 Rao Bahadur N. Ramanuja Aiyangar
7 Mr. R. M. Statham
8 „ T. C. Thommen
9 „ John Whitely Tolson
10 „ G. B. E. Truscott
11 „ James Simpson

NEUTORALS.—NIL.

The motion was declared carried.

DEPUTY PRESIDENT : Before we disperse now, I have one word to say. I did not refuse the poll in the way that Mr. Kunjukrishna Pillai understood it. Mr. Kunjukrishna Pillai seems to think that whenever a poll is demanded the Chair should immediately allow it. That is not the law; that is not the practice. The Chair has got some little discretion in this matter. We have been sitting a considerably long time. So, unless there was a necessity and there was a difficulty of finding out the trend of opinion, I thought I may exercise this discretion. Anyhow because Mr. Kunjukrishna Pillai was emphatic on the assertion of his right and as there was still one more minute remaining I allowed it. I want to make this observation that it is not every time a poll is demanded that the Chair should automatically allow it.

We will now adjourn and meet again at 11 A. M. the next day.

The House adjourned at 5·32 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
OF
THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

FOURTH SESSION.

Wednesday, the 23rd January 1935/10th Makaram 1110.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the clock, the President presiding.

NEW MEMBER SWORN IN.

MR. C. O. MADHAVAN (Excise Commissioner) was sworn in and he signed the Rolls.

QUESTIONS AND ANSWERS.

PRESIDENT: As Honourable members will notice, questions 42 to 46 both inclusive, standing over for answer are in the name of Mr. Padmanabhan. I have received a letter from him in which he says thus — "As I have an urgent engagement for the morning I will not be able to appear in the Assembly before question-time. Questions Nos. 42 to 46 sent by me come up tomorrow. I wish to elicit important information by asking supplementary questions. I request you to be so good as to allow me to ask those questions on 11-6-1110". Of course a member who is prevented from other causes to be present has not the right to ask questions, particularly when those questions were placed on the table yesterday and are being repeated to-day. Further the inconvenience that is caused by postponing is adding to the bulk of the questions of the following day. Also Honourable members will see what progress we are making in that respect. However, at a glance of these questions I see that they are somewhat important from the standpoint of the interpellator. Therefore as a special concession I allow these questions being taken up tomorrow.

The Panchayat Regulation.

42. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state:

(*a*) when the Panchayat Bill was passed by the Legislative Council;

(*b*) whether Rules have been framed as per Section 62 of the Regulation; and

(*c*) in how many centres it has been brought into operation?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) There was no such Bill as the Panchayat Bill. If what the member means is the Travancore Village Panchayat Bill, it was passed by the Legislative Council on the 2nd Kumbham 1110.

(b) Yes.

(c) Eight.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): In the answer to part (a) I find that the Travancore Village Panchayat Bill was passed on the 2nd Kumbham 1110. I think it is a mistake for 1100. Am I right?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) Yes, that is a misprint for 1100.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, if Government are so fastidious about the name of the Regulation, why not they be fastidious in the printing and corrections also?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry the error escaped the notice of the proof reader. Government will hereafter try to be fastidious in regard to the printing also.

Ezhava applicants for Sirkar Vakil's place.

43. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(a) the number of Ezhava applicants for Sirkar Vakil's place till now (19-9-1109); and

(b) how their applications were dealt with?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (a) Seven.

(b) Their claims were duly considered in filling up vacancies.

Medical Officer in charge of the Kalavoor dispensary.

44. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(a) whether the Government are aware of the fact (i) that the Doctor in charge of the Kalavoor dispensary, if he is a Christian, is also in charge of the Leper Asylum at Alleppey, and (ii) that he is paid a remuneration of Rs. 35 a month for his service in the asylum; and

(b) who was in charge of the dispensary when the present Darbar Physician visited it last, a Christian or a non-Christian?

MR. JAMES SIMPSON (*Darbar Physician*): (a) (i) Yes.

(ii) Yes.

(b) Christian.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know if the Doctor in charge of the dispensary is a non-Christian he will also be given the privilege of having the charge of the Leper Asylum?

MR. JAMES SIMPSON (*Darbar Physician*): I do not think the situation has arisen so far.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know if he is a non-Christian, he will be paid an allowance for the charge of the Leper Asylum?

MR. JAMES SIMPSON (*Darbar Physician*): I have to repeat the same answer.

MR. K. M. KRISHNAN (*Ambalapuzha II*): I find from the answer if he is a Christian Doctor he is given an allowance. If a non-Christian is placed in that position, I want to know whether he will be given the same treatment?

MR. JAMES SIMPSON (*Darbar Physician*): The situation has not arisen so far.

Accommodation in the V M. School Building, Mararikkulam.

45. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they are aware that the Mararikkulam new V. M. School is wanting in sufficient accommodation for the students studying therein;

(*b*) if the answer to part (*a*) is in the affirmative, whether they have issued any orders for the extension of the present school building or for the construction of a new building; and

(c) if so, whether any steps have been taken in connection with that?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Yes.

(*b*) and (*c*) Yes the Government sanctioned the construction of an additional building for the use of the school at an estimated cost of Rs. 5,850 and provided the necessary funds for the purpose during the year 1108. But owing to a mistake in the name of the school in the premises of which the building was to be erected, the work had to be deferred and the sanctioned fund utilised for other purposes.

The question of additional accommodation for the school can be taken up only after the future of the Vernacular Middle Schools, which is under investigation, is settled.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know whether any temporary arrangement has been made till the extension of the building is completed for the accommodation of the school?

MR. R. M. STATHAM (*Director of Public Instruction*): A temporary shed was put up. But I am afraid, at this moment, it is in very good state of repairs and I cannot say that the present accommodation is anything like quite satisfactory or sufficient.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there were two schools of the same name?

MR. R. M. STATHAM (*Director of Public Instruction*): The position was this. There were two schools of the same name, both Vernacular Primary Schools. The Education Department asked the P. W. Department to prepare an estimate for additional accommodation for one of the schools. The Public Works Department unfortunately, I do not know whether it was due to my department's fault or theirs

[Mr. R. M. Statam.]

prepared an estimate for a new building for the Shertala school. It was afterwards discovered that the necessity for accommodation referred to the Ambalapuzha school. At the time when it was discovered, money had lapsed. Subsequently, there was no money to attend to the work.

Pay of Drawing Masters.

46. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*) : Will the Government be pleased to state whether there is any difference in the scale of pay of the Drawing Masters in the Vernacular and the English Secondary Schools?

MR. R. M. STATHAM (*Director of Public Instruction*) : Yes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*) : May I know whether there is any difference in the qualification of the Drawing Masters between an English School and Vernacular School?

MR. R. M. STATHAM (*Director of Public Instruction*) : Yes, there is a difference.

MR. T. KRISHNA PILLAI (*Neyyatinkara II*) : May I know what is the difference?

MR. R. M. STATHAM (*Director of Public Instruction*) : The difierence is that a Drawing Master in an English School must have a complete group certificate whereas in the Vernacular School, a Drawing Master requires only one certificate.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether there is a separate eligibility for appointment of the Drawing Masters in an English School and a Vernacular School?

MR. R. M. STATHAM (*Director of Public Instruction*) : I have answered that an English School requires a different qualification from a Vernacular School.

Irrigation tanks in the Neyyattinkara taluk.

47. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*) : Will the Government be pleased to state:

(*a*) the number of irrigation tanks in the Neyyattinkara taluk and

(*b*) the amount that has been spent towards the improvement of the irrigation tanks in the taluk since the inauguration of the new Irrigation Section of the P.W. D?

MR. G B. E. TRUSCOTT (*Chief Engineer*) : (*a*) 738.

(*b*) Rs. 4, 318.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know the number of tanks that were renderedcompletely useless in the Neyyattinkara taluk?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : That is a new question.

MR. K. R. ELENKATH (*Kalkulam I*) : In answer to part (*b*), may I know the number of tanks for which the amount was sanctioned?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : I believe, three.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether all the other tanks are in good condition?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): It is not a supplementary question.

MR. K R. ELENKATH (*Kalkulam I*): Sir, who is to decide whether it is a supplementary question or not?

PRESIDENT: The Chair.

MR. K. R. ELENKATH (*Kalkulam I*): The Chief Engineer just now answered that the amount spent on 3 tanks is Rs. 4,318. But there are 738 tanks. From that I should like to know whether all the rest of the tanks are in good condition.

PRESIDENT: What the member wants to know is whether the other tanks had no repairs,

MR. G. B. E. TRUSCOTT (*Chief Engineer*): My submission is, that it has nothing to do with.........

PRESIDENT: It has everything to do.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have no information on that subject.

Withdrawal of recognition of schools.

48. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state the number of schools, with reasons, if any, whose recognition was withdrawn during 1109?

MR. R. M. STATHAM (*Director of Public Instruction*): A *statement containing the information asked for is laid on the table.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Director of Public Instruction inspected the schools before the recognitions were withdrawn?

MR. R. M. STATHAM (*Director of Public Instruction*): I certainly did not inspect all the schools. I have seen some of them, but not deliberately, in order to decide whether recognition should be withdrawn or not.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Am I to take it then that it depends only upon the recommendations made by the Divisional Inspectors and their assistants?

MR. R. M. STATHAM (*Director of Public Instruction*): The Honourable member will notice that the reasons given for the withdrawal of recognition vary. In some cases recognition had to be withdrawn at the request of the managements. In certain others, the management closed the schools and automatically recognition had to be withdrawn. In the cases of overlapping and unsatisfactory progress, the decision was arrived at after the Director of Public Instruction had gone very carefully into all the facts connected with each case, as reported by Divisional Inspectors and their assistants.

**Vide* Appendix I.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): In view of the fact that the withdrawal of recognition of certain schools has caused considerable difficulty, will the matter be reconsidered?

PRESIDENT: That is a suggestion. It does not arise.

Appointments made by the Superintendent, Trivandrum Electric Supply.

49. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state the number of appointments (caste-war) made by Mr. Joseph John, the Trivandrum Electric Supply Superintendent, on the day he left charge of his office?

MR. T. C. THOMMEN (*Secretary to Government*): One (Nair).

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether there was any vacancy which was not filled by the Electric Supply Superintendent on the day he left charge of his office?

MR. T. C. THOMMEN (*Secretary to Government*): There was one vacancy not filled up.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the member whether there is any rule or convention to the effect that when an officer leaves charge he should fill up all vacancies?

MR. T. C. THOMMEN (*Secretary to Government*): I am not aware of any such rule.

Division Officer for the Electrical Department.

50. ***MR. T. KRISHNA PILLAI** (*Neyyattinkara II*): Will the Government be pleased to state whether the Electrical Engineer has recommended to Government for the appointment of a Division Officer?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the member the various duties devolving upon the Division Officer and the Electrical Engineer? I want to know whether there was an absolute necessity for the new appointment.

MR. T. C. THOMMEN (*Secretary to Government*): I cannot immediately give the various respective duties of the Division Officer and the Electrical Engineer off-hand. I claim notice.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether that appointment has been made?

MR. T. C. THOMMEN (*Secretary to Government*): Yes; the appointment has been made.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know the name of the incumbent?

MR. T. C. THOMMEN (*Secretary to Government*): Mr. H. C. Chopra.

Satrams not thrown open to all communities.

51. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether there are any *Satrams* in the State maintained at Government expense, to which admission is not allowed to all communities alike in the State; and

(*b*) if the answer to part (*a*) is in the affirmative, the number of such *Satrams* and the reason why such *Satrams* are still closed againt some of the communities in the State?

MR. T. C. THOMMEN (*Secretary to Government*):

(*a*) Yes.

(*b*) 19 *Satrams* are not thrown open to all communities. This is due either to their proximity to Palaces or temples or to their reservation for the use of *Murajapom Pokkuvarathukars* and members of the Royal Family during their tours.

Schools not thrown open to all communities.

52. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether there are any Government schools in the State now (14-3 1110) to which admission is not granted to all the subjects of His Highness the Maha Raja of Travancore alike; and

(*b*) if the answer to part (*a*) is in the affirmative, the number of such schools and the reason why they are still closed against some of the subjects of His Highness the Maha Raja?

MR. R. M. STATHAM (*Director of Public Instruction*):

(*a*) Yes.

(*b*) No. of schools.	Reasons for not throwing them open to all classes.
7	Proximity to temples.
1	Do. temple and Palace.
1	Do. temple and Brahmin village'
1	Situated in front of His Highness the Maha Raja's Palace.
3	Specially intended for Kshatriyas alone.
1	Do. for the education of Malayala Brahmins alone.
14	

Construction of roads in Alleppey.

53. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether any representation in connection with the construction of the Tondankulangara-Munro Light road as well as a road on the eastern side of the Alleppey-Shertala canal from Mattancherry bridge to Kommady was made to the Dewan and the Chief Engineer during their visit to and stay in Alleppey in the month of Kanni this year (1110); and

(*b*) if the answer to part (*a*) is in the affirmative, with what results?

MR. G. B. E. TRUSCOTT (*Chief Engineer*):

(*a*) Yes.

(*b*) The Chief Engineer inspected the Tondankulangara-Munro Light road. Area list and land plan have been prepared and the interested ryots have been asked to deposit the cost for acquisition of lands of unwilling landowners. The proposal to construct the road on the eastern side of the Alleppey-Shertala canal to Kommady has been abandoned for the present.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know from the member whether there is *poramboke* land available?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I would inform the member that the road to which he refers is not wide enough. When the necessary lands for widening the road are handed over then the question can be taken up.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member whether he is aware that if a slight diversion is made there will be no necessity to acquire any site as there are *poramboke* lands?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): It is not a question of slight diversion of the road. At the beginning, there are two right angled roads and for straightening them we want more lands.

Appointments made by the Police Commissioner.

54. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) the number of appointments made by the present Commissioner of Police in Travancore;

(*b*) how many appointments were distributed amongst each of the communities in the State and

(*c*) the number of applicants from each of the communities?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) 55.

(*b*) & (*c*).

	Number appointed.	Number of applicants.
Brahmins	1	41
Nayars	23	262
Ezhavas	5	72
Nadars	2	35
Vellalas	1	19
Other Hindus	4	290
Do. (depressed classes)	2	86
Mahomedans	7	43
Christians	10	190

Appointments in the Police Department.

55. ***MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) the strength of the Police Force in Travancore; and

(*b*) the number of appointments held by each of the communities in the State?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(a) 2,460

(b)

Brahmins	...	54
Nayars	...	1,426
Other Caste Hindus	...	219
Kammalas	...	18
Ezhavas	...	140
Nadars (Hindu)	...	14
Depressed Class Hindus and Christians	...	121
Christians (excluding depressed class Christians)	...	314
Muslims	...	117
Total	...	2,423

Selection of Candidates for Forestry Training.

56. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be pleased to state:

(a) the names, with qualifications, of those who applied for selection for training in the Madras Forestry College, Coimbatore, for 1934-36;

(b) the names, with respective qualifications, of those who were selected;

(c) whether interviews were allowed to all the applicants by the selecting authorities;

(d) whether any memorial has been received to the effect that the selection should be set aside due to irregularities in the method of selection;

(e) if so, what action has been taken; and

(f) if the answer to part (c) is in the negative, why interview was denied to some?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(a) A *statement furnishing the information is laid on the table.

(b) (i) N. Sreedharan Pillai. Has put in four years' service in the Forest Department as Curator in charge of the Herbarium in the Conservator's office. Has passed the B. A. Degree examination as first in the Presidency with Botany and Zoology as his optionals. Had taken active part in games while at the college.

(ii) Cyriac Pothen. Has passed the B. A. Degree examination with Botany and Zoology as optionals. Was a sportsman while at the college.

(c) No; only nine candidates were given interviews.

(d) Yes. A memorial to the effect was received from one Mr. K. C. John.

*Vide Appendix II.

(e) No action was taken on the memorial as Government did not find any reason to reconsider the decision already arrived at in the matter.

(f) The Selecting Committee considered each application individually and selected nine candidates for interviews before making the final selection.

MR. T. K. ALEXANDER (*Kunnatnad I*): With regard to answer to part (c) may I know from the member whether only a small number of applicants were given interviews?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): As many as 46 applications were received and the Committee went through all these applications, examined carefully the qualifications of the applicants and eliminated a number of them because the Committee found that they did not come up to the standard. For instance, those applicants who passed the B. A. Degree examination by more than one attempt were eliminated. For various reasons all applicants except nine were eliminated and the remaining nine candidates were interviewed.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know from the member whether there were any applicants who agreed to go up for the training at their own expense?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) Yes, there were; but Government did not think it advisable to allow anyone to get himself trained on the promise that he will be given an appointment later. They wanted to select the right sort of men, and the best among the applicants were selected.

MR. T. K. ALEXANDER (*Kunnatnad I*): May I know from the member whether that applicant had the necessary qualifications?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): He might have had the necessary qualifications. But Government thought that the candidates they selected were better suited for work in the Forest Department.

MR. T. K. ALEXANDER (*Kunnatnad I*): With reference to answer to part (d) may I know from the member when that memorial was received? Was it too late for consideration of Government?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The memorial was received after the selection was made.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the dates when orders were issued to the selected candidates to join the college?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Before the college session commenced.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : I wish to know the exact date of the order selecting them ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The order was issued by the Conservator of Forests. The information asked for is not with me now.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know from the member whether orders were issued before the sanction was obtained from the Legislature for the necessary funds ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : I claim notice.

Recommendations of the Education Advisory Board.

57. ***MR. T. K. ALEXANDER** (*Kunnatnad I*) : Will the Government be pleased to state :

(*a*) whether the recommendations passed by the first meeting of the Education Advisory Board, referring to the undertaking by Government of an industrial survey and the abolition of the existing waiting list in the Education Department, were accepted by Government; and

(*b*) if so, whether those recommendations were put into effect ?

MR. R. M. STATHAM (*Director of Public Instruction*) : (*a*) *First Part.* Under consideration.

Second Part. Yes.

(*b*) No.

MR. T. K. ALEXANDER (*Kunnatnad I*) : With reference to answer to part (*b*) may I know from the member why that delay is cauesd ?

MR. R. M. STATHAM (*Director of Public Instruction*) : The Government have approved the recommendation to abolish the existing waiting list. But before the waiting list can really be abolished there is a certain amount of preliminary work to be done to examine the existing list so that qualified candidates may be retained. Till then it cannot be said definitely that the waiting list has been abolished.

Proposals of the Education Advisory Board.

58. ***MR. T. K. ALEXANDER** (*Kunnatnad I*) : Will the Government be pleased to state :

(*a*) the proposals that were discussed in the second meeting of the Education Advisory Board ;

(*b*) the proposals that were passed or adopted in the meeting ; and

(*c*) the proposals that were accepted by the Government ?

MR. R. M. STATHAM (*Director of Public Instruction*) :

(*a*) (1) Medical inspection in Vernacular Schools.

(2) The lengthening of the primary course and the future Vernacular Middle Schools.

(3) The fee concession scheme.

(4) Help to depressed classes.

(5) The holding of another E. S. L. C. Examination under the Provisional Scheme.

(b) A scheme for medical inspection was approved by the Board. The Board reiterated its desire that the proposals regarding the lengthening of the primary course and the transformation of Vernacular Middle Schools should be introduced as early as possible. The Board agreed to the payment of full compensation by Government for the grant of fee concessions when Government funds permitted. The Board recommended an extension of the fee concession system to depressed class pupils in all institutions. The Board recommended a restriction in the grant of fee concessions to poor and deserving pupils. The Board approved of the proposals of special grant-in-aid to depressed class pupils and Muslim girls in Vernacular Schools. The Board did not approve of the holding of another examination under the Provisional Scheme.

(c) The recommendations of the Board are under consideration.

MR. T. K. ALEXANDER (*Kunnatnad I*): With reference to answer to part (c) may I know from the member whether all the recommendations of the Advisory Board are under consideration of Government?

MR. R. M. STATHAM (*Director of Public Instruction*): The answer to questions 63 and 64 will show that a number of the recommendations have already been accepted by Government. Those that have not been accepted by Government are under consideration.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): May I know from the member whether those recommendations accepted by the Government have been given effect to?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes.

Education Reforms Committee and management schools.

59. ***MR. T. K. ALEXANDER** (*Kunnatnad I*): Will the Government be pleased to state:

(a) whether any of the recommendations of the Education Reforms Committee, referring to management schools, have been placed before the Education Advisory Board;

(b) if so, what were the recommendations adopted by the Board; and

(c) whether such recommendations were put into force?

MR. R. M. STATHAM (*Director of Public Instruction*): (a) The following recommendations have been discussed by the Education Advisory Board:—

(i) Co-education in Primary Schools.

(ii) Mixed staffs in Primary Schools.

(iii) The extension of the primary course to five years.

(iv) The recognition of primary classes attached to English Schools.

(v) The recognition of Kindergarten and Nursery Schools.

(vi) The transformation of Vernacular Middle Schools into Vocational Bias Schools.

(vii) The introduction of vocational subjects in the E. S. L. C. course and the introduction of special subjects of study in Girls' High Schools.

(viii) The adjustment of school hours for Vernacular Schools.

(ix) The appointment of local Attendance Committees for Primary Schools.

(x) The adoption of the vernacular as the medium of instruction in English Schools.

(xi) The recommendations regarding religious instruction.

(xii) Compulsory manual work in English Schools.

(xiii) Medical inspection in Vernacular Schools.

(xiv) The payment of full compensation for fee concessions to aided school managements.

(xv) The rules governing the grant of fee concessions.

(xvi) Special grant-in-aid for depressed class pupils and Muslim girls.

(*b*) The Board accepted recommendations (i) to (x). The opinion of the Board was divided on item No. (xi). The Board accepted items (xii) and (xiii). In regard to item No. (xiv), the Board was in favour of the payment of full compensation when Government funds permitted. With regard to item No. (xv), the Board recommended an extension of fee concessions to depressed class pupils in all institutions and it also recommended certain restrictions in the grant of fee concessions to students whose progress had not been satisfactory except in the case of the depressed classes. With regard to item No. (xvi), the Board agreed with the proposal.

(*c*) Items Nos. (i), (ii), (iv), (v) and (xi) have been put into force. Item No. (viii) has been put into force in some areas. Items Nos. (iii) and (vi) have been accepted by Government, but, their introduction has been deferred.

Grant-in-aid Libraries.

60. *MR. T. K. ALEXANDER (*Kunnatnad I*): Will the Government be please to state:

(*a*) the number of libraries that were allowed grant-in-aid up-to-date (14-3-1110);

(*b*) the principle on which the grant is allowed:

(*c*) the number of applications for grant-in-aid to libraries received in 1109;

(*d*) the number of them sanctioned; and

(*e*) the maximum and the minimum grant allowed?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Grants to libraries for 1110 have not been awarded.

(*b*) Grants are awarded in accordance with the rules prescribed by G. O. No. E. 2757, dated the 12th/18th August 1917, as amended

by G. O's R. Dis. No. 866 of 23/Leg. E., dated the 2nd August 1923, R. Dis. No. 279 of 28/Edn., dated 27th March 1928, and R. O. C. No. 2945 of 34/Edn., dated the 15th September 1934.

(c) 44.

(d) 33. Three other libraries are in receipt of permanent grant-in-aid.

(e) The maximum grant was Rs. 200 and the minimum Rs. 16.

Riot at Alleppey.

61. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(a) whether there was any riot at Alleppey in the month of Chingam or Kanni 1110; and

(b) if the answer to part (a) is in the affirmative, whether any special officer was appointed to enquire into the incidents of the said riot?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(a) Yes.

(b) No.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (b) may I know from the member why, when a special officer was appointed to enquire into the causes and other things in connection with the riot at Quilon, no special officer was appointed for the riot at Alleppey?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The two cases are not on the same analogy, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know from the member the differences between the two cases?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): One is a serious riot and the other is a street squabble.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether with reference to the riot at Alleppey also a religious procession was obstructed and religious articles taken by Muslims by force?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I do not quite catch the question.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government with regard to the riot or the street fight, as it is put by the Commissioner on behalf of the Government, whether there was an affray that was put up by the Muslim population against the Christian population in the Alleppey town?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I do not think it was put up by the Muslim population, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government, who put up that fight and obstructed the religious procession?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Sir, I rise to a point of order. The House is completely ignorant of these facts.

PRESIDENT : I thought the Commissioner himself would draw the attention of the House to that fact.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Excepting the member interpellating and the official member nobody knows what the case is.

PRESIDENT : That case is pending. Is it not?

MR. S. J. NAIR (*Nedumangad*) : No, Sir.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : As far as I know there was no aggrieved party at all. Both parties were sensible and they said they were sorry for what they did. There is nothing more about it.

MR. S. J. NAIR (*Nedumangad*) : The member has not answered my question with regard to the incident at Alleppey whether the case of an obstruction of religious procession that passed through the public road was brought to the notice of the Police authorities.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : It was not a serious one. It was only a few mischevious boys who obstructed the procession. They immediately felt sorry and the case was dropped. Both parties were satisfied.

MR. S. J. NAIR (*Nedumangad*) : May I know from the Government whether any action was taken by the Police with regard to the mischevious conduct of those people who obstructed the religious proession ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : Yes.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether he is aware of the reports that were published in the Press about the obstruction of the religious procession ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : Yes, Sir.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether he has taken any action to understand the serious situation created by that obstruction

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : The result was a compromise.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether it is a case that could be compromised ? Under what section is the Police permitted to cause a compromise ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) ; There was no complaint at all.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether it is necessary that always complaints must be presented in the case of cognisable offences?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Not always necessary; nor is it incumbent on the Police to prosecute every case.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether in the case of cognisable offences, regular complaints must be put in before the Police?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Not at all.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the alleged offence that took place at Alleppey was a cognisable offence or a non-cognisable offence?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It was a cognisable offence.

MR. S. J. NAIR (*Nedumangad*): May I know why after having got the information of a cognisable offence, the Police have not taken a case?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Police are not bound to prosecute all cognisable cases.

MR. S. J. NAIR (*Nedumangad*): May I know whether under the law the Police are bound to take up the case?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): A case was taken up.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether in the case of cognisable offences the Police have power to compromise a case under the law?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It is not a case of compromise. The Police are not bound to prosecute every case. Under the law the Police have a certain amount of discretion not to prosecute a case; say for instance, when a complainant does not want to press a case, we drop it under what corresponds to section 157 (*b*) of the British Criminal Procedure Code.

MR. S. J. NAIR (*Nedumangad*): May I know from the member who was the complainant in the present case?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot now tell the details of facts.

MR. S. J. NAIR (*Nedumangad*): May I know from the member what was the crime number of the case that was charged by the Police Station?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Sorry, Sir, I cannot say now.

Registry of lands adjoining the Neriyamangalam-Pallivasal road.

62. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there are lands available for registry on both sides of Neriyamangalam-Pallivasal road;

(*b*) if the answer to part (*a*) is in the affirmative, how many acres of land are available for registry there;

(*c*) whether any land was given in registry on the sides of the above road after opening that road:

(*d*) if the answer to part (*c*) is in the affirmative, to whom the lands were registered and how many acres of land were registered;

(*e*) whether any one has trespassed upon those *pudural* or *tarisu* or waste lands and applied for registry.

(*f*) if the answer to part (*e*) is in the affirmative, whether they are natives of Travancore or foreigners and

(*g*) whether the lands available for registry would be reserved for registering for sons of the soil?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*).

(*a*) Yes.

(*b*) The exact area available for assignment has not been ascertained as yet. The lands may have a rough total extent of 28,769 acres. This is inclusive of forest, grass and other lands.

(*c*) No.

(*d*) This does not arise in view of the answer to part (*c*).

(*e*) Yes, certain Muduvans (Hillmen) have encroached upon some portions of the land and have also applied for the area encroached upon by them.

(*f*) The encroachers are natives of Travancore (Hillmen.)

(*g*) The existing orders of Government are that the lands should be sold in public auction.

Crimes in Nedumangad Taluk.

63. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state whether they are aware that the crimes are in the increase in the Nedumangad taluk?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): There has been a slight increase, but it is not very appreciable.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government the reasons for the slight increase in the number of crimes in the Nedumangad taluk?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The reason for the slight increase.........

PRESIDENT: You are now putting supplementary questions to Question No. 63?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir ; 63 is a starred question.

PRESIDENT: Yes, it may be answered.

MR. S. J. NAIR (*Nedumangad*): Why did you allow the crimes to increase in the Nedumangad taluk? (*Laughter*).

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): An analysis of crime here shows that there has been a slight increase in the number of cases under accidental deaths and suicides. But the property cases are well under.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether the increase of crimes in the Nedumangad taluk is due to the frequent transfers of the Inspector of Police in the place?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Accidental deaths could not be due to that, Sir; but I admit that frequent transfers are very unfortunate.

MR. S. J. NAIR (*Nedumangad*) May I know from the Government how the frequent transfers of Police Inspectors in Nedumangad taluk are accounted for?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) Exigencies of service, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know from the member the definition of the expression "exigencies of service" as understood by the member?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot answer now. The T. S. R. perhaps gives the definition.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I request a ruling from the Chair. The member who put an original question has asked a number of supplementary questions so much so the other members are not permitted to put questions. I wish a ruling from the Chair for a limitation to the number of supplementary questions that could be put by the member who sent the original question.

PRESIDENT: I was myself thinking whether a member putting a question can claim monopoly in respect of supplementary questions and thereby deny his colleagues all right of putting supplementary questions. The only way of restricting the free flow of supplementary questions would be, I believe, to make a ruling, which, of course, I have not done. The member asking the question shall not put more than a certain number of supplementary questions – that is what I am seriously thinking of, and if I find it necessary I shall perhaps introduce it.

MR. S. J. NAIR (*Nedumangad*): Sir, before any such ruling is passed by the President we would submit that the Government should see that the official members are compelled to answer clearly and legibly without placing the non-official members in the dark. (*Laughter*)

PRESIDENT: The official members should be very clear and very full in giving answers. But the supplementary questions do not always

depend on the clearness and fullness of the answer given. However, I am glad that Mr. Sivatanu Pillai brought that fact to my notice, particularly when Mr. S. J. Nair was having his volleys of questions.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to put a supplementary question to question No. 63.

PRESIDENT: You are not satisfied with the number of questions put, Mr. S. J. Nair ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member what is the actual percentage of increase of crime in the Nedumangad taluk?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The total number as seen from the Registers is 72 in 1108 and 75 in 1109.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know what is the proportion of the increase with respect to the increase in the State as a whole?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I am not sure whether there is an increase at all of crimes in the State. Probably there is a decrease. The Administration Report will clearly show that.

Remission of tax in Nanjinad.

64. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to state :

(*a*) whether they have decided to grant remission of tax for lands irrigated under the Kodayar Project owing to the recent failure of crop;

(*b*) whether they have made investigations as to the extent of the failure ; and

(*c*) if the report is already prepared, the extent of the failure and the nature of concession to be made ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Not yet.

(*b*) These are being made.

(*c*) This does not arise.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): May I know from the member.........

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretry to Government*): Sir, in the absence of the Land Revenue Commissioner, may I answer this question?

PRESIDENT: I have allowed the Land Revenue Commissioner to be absent. You may answer the question.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): May I know from the Government with respect to answer to part (*a*), why Government have not decided it?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The answer to part (*b*) shows that investigations are being made and it is only after the investigations are completed and the report received that the Government can decide the question.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): May I know from the Government how the official member understood the phrase "recent failure"?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Just as everybody else understands it (*laughter*) *i. e.*, the failure that has occurred recently.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): May I know from the member when this interpellation was received by the official member?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Some days before the opening of the session. I cannot give the exact date.

MR. S. THIRAVIAM NADAR (*Agastisvaram*). May I know from the member when the Secretary of the Sri Mulam Assembly received my interpellation?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The member wants to know the date on which the Secretary to the Sri Mulam Assembly received this question.

PRESIDENT: That is not relevant. If it is a fact that it was admitted and if it is in the agenda, it shows it was received in time.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the Government the position with reference to the remaining paddy lands left out of irrigation as seen in their Press Communique?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not quite understand what the member means by "position of Government".

MR. M. SIVATANU PILLAI (*Tovala*): The reference is to the remission of tax. In the Press Communique only 23,000 acres of paddy lands are admitted to be supplied by water in the reservoir, and the remaining paddy lands of about 33,000 acres are left out of irrigation. I wish to know the position of Government with reference to these paddy lands left out of consideration for the purpose of irrigation.

PRESIDENT: You cannot ask Government even in an original question what Government's future intentions are. Much less can you ask a supplementary question as to the future intentions. The Government member told you that the whole matter is under investigation and when the investigation is completed, Government would certainly take such action as is necessary.

Hindu Nadars in the office of the Director of Registration.

65. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether the claims of the Hindu Nadar graduate clerks to promotion in the office of the Director of Registration have been duly considered;

(*b*) whether, in any case, their juniors have been promoted in preference to them; and

(*c*) if the answer to part (*b*) is in the affirmative, for what reasons or grounds?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) No.

(*c*) In view of the answer to part (*b*), this does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the member the probable date on which the question of scarcity of water was brought to the notice of Government?

PRESIDENT. What are you at?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I beg your pardon; I thought we were at the former question.

PRESIDENT: That is why I asked. Question 65 does not carry any water.

Water-supply at Nagercoil.

66. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to state whether they have made any proposals for the removal of the water scarcity in the Nagercoil Municipality?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The matter is under consideration.

MR. S. THIRAVIAM NADAR (*Agastisvaram*): May I know from the member how long it will be under the consideration of Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): It has been under consideration for some time; a report has been sent to Government some months ago.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the question of water-supply to the Nagercoil town was under the consideration for a number of years?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I believe so.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member for how many years it was under consideration?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I am afraid I must ask for notice for that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether this question was under the consideration of the previous Chief Engineers also?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether they had arrived at a decision in regard to the question.

MR G. B. E. TRUSCOTT (*Chief Engineer*): I have sent my report to Government.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I take it that the question is not under the consideration of the Chief Engineer but that it is under the consideration of Government?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): It is under the consideration of Government.

The Pathiyoor boad.

67. ***MR. V. RAMAKRISHNA PANICKAR** (*Kartikapalli II*): Will the Government be pleased to state:

(*a*) whether they are aware of the existence of a road called the Pathiyoor road which connects the Kayaukulam-Thattarampalam road and the Quilon-Alleppey road;

(*b*) who is in charge of this road;

(*c*) whether any portion of this road is metalled; and

(*d*) what would be the cost of constructing this road in full?

MR. G. B. E TRUSCOTT (*Chief Engineer*): (*a*) Yes.

(*b*) The P. W. D.

(*c*) No.

(*d*) About Rs. 19,535, excluding the cost of constructing a bridge at Mundupalam which will come to about Rs. 4,060.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): The answer to the question whether it is metalled is in the negative. I wish to know whether any portion is gravelled.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I do not think any portion is metalled or gravelled.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from the member whether there is a bridge at Mundupalam on the road referred to in part (*b*) of the question?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I cannot find in my plan that there is one.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): If there is no bridge there, how is the traffic across the canal to be conducted?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): There is a bridge, the Pathiyur bridge, across the canal.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): The member said that there was no bridge across the canal.

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I only said that there was no bridge at Mundupalam.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): If there is no bridge there, how is the traffic across the canal to be conducted?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have already stated that there *is* a bridge across the canal, though not at Mundupalam, at Pathiyur.

PRESIDENT: Shall we leave it at that?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Will the Government be pleased to arrange for a ferry at Mundupalam till a bridge is constructed there?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have not inspected the site myself. From the drawing before me, I see that there is a bridge across the canal.

MR. K. R. ELENKATH (*Kalkulam I*): With reference to the answer to part (*d*), may I know whether the amount of Rs. 19,535 mentioned there is for metalling the road or for gravelling?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I think it is for gravelling.

The Kayankulam Boat Jetty.

68. ***MR. V. RAMAKRISHNA PANICKAR** (*Kartikapalli II*): Will the Government be pleased to state:

(*a*) whether there is a proposal to shift the Kayankulam boat-jetty from its present site to the salt-bankshall landing;

(*b*) whether the Government have received any representation from the public objecting to the proposed site:

(*c*) whether the matter has been enquired into; and

(*d*) whether the Government have considered the suggestion contained in the representation?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*), (*b*), (*c*) and (*d*): Yes.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know the result of the enquiry referred to in part (*c*)?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The Chief Engineer has visited the site several times and he has also received reports from the Division Officer and the Sub-Division Officer. He is of the opinion that the shifting of the Kayankulam boat jetty from the present site to the salt bankshall landing, though not agreeable to all, will be pleasing to most people.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Has it been shifted already?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

The Haripad-Veeyapuram road.

69. ***MR. V. RAMAKRISHNA PANICKAR** (*Kartikapalli II*): Will the Government be pleased to state:

(*a*) whether an estimate has been prepared for the construction of the Haripad-Veeyapuram road and

(*b*) if so, the estimated cost of the construction?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) Yes.

(*b*) Rs. 30,900.

Temple Entry Committee Report.

70. ***MR. K. SANKARAN** (*Kartikapalli I*): Will the Government be pleased to state whether they have considered the question of supplying copies of the Report of the Temple Entry Enquiry Committee to the members of the Legislature?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes. As there are only a few copies of the Report, 250 copies have been arranged to be reprinted.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know the number of copies originally printed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 250

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know why the Government restricted the number to 250 originally?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At that time Government did not think it necessary to supply the members of the Legislature with copies of the Report.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know what led the Government to change their idea subsequently?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Several of the Assembly and Council members asked for copies of the Report; and Government reconsidered the question and decided that copies should be supplied to them also.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I take it that Government will think of supplying copies of their publications to members of the Legislature only if the latter make a requisition for such copies?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It is not that. In this particular instance, since the Report was not to be discussed on the floor of the Legislature, Government thought that copies need not be supplied to the members. But, since several of them asked for copies, Government reconsidered the question and decided to supply them also with copies of the Report.

MR. S. J. NAIR (*Nedumangad*) May I know whether this House will be permitted to discuss the Temple-Entry Committee Report?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I cannot answer that question now, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any objection to this House being permitted to discuss that Report?

PRESIDENT: The Chief Secretary's answer was that he was not in a position to say whether the Government would allow the discussion of the Report in this House or not Therefore, there is no point in asking the question whether there is objection.

MR. S. J. NAIR (*Nedumangad*): May I ask whether the majority of the caste-Hindu population of the State are not of opinion that the major recommendations in the Report are far from satisfactory and that there is no objection in granting temple-entry to all Hindus?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government have no such information.

MR. S. J. NAIR (*Nedumangad*): May I ask whether, in order to gain such information, Government will be pleased to allow this House to discuss the Report? (*Laughter.*)

PRESIDENT: That question has already been answered.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Approximately, what is the additional cost incurred by Government on account of the printing of the additional copies of the Report?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice it has to be calculated by the Superintendent, Government Press.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether any additional expenditure was incurred on account of the printing of the additional copies?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*); Yes, of course.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Have the Government considered the Report?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*); It is under consideration.

Appendix I.

[*Vide* **Answer to Question No. 48.**]

List of schools, with reasons, whose recognition was withdrawn during 1109.

Serial No.	Name of school.	Reasons
	ENGLISH SCHOOLS.	
1	South Ariad English Middle School	Inadequate site and non-fulfilment of conditions imposed
2	Veliyam ,,	Poor strength and non-fulfilment of conditions imposed.
3	Malayam ,,	Poor strength and mismanagement.
	PRIMARY SCHOOLS.	
4	Veeranimangalam L. M. S. Primary School	Overlapping.
5	Vaniakudy St. Joseph's ,,	Do.
6	Kalkurichi S. A. ,,	Do.
7	Mathoor ,,	Do.
8	Melpuram ,,	Ceased to work.
9	Vizhinjom L. M. S. ,,	Overlapping.
10	Amaravila St. Antoney's ,,	Ceased to work.
11	Vellanad L. M. S. ,,	Overlapping.
12	Pulikulam ,,	Unsatisfactory working of the school.
13	Perumthanni Pulaya ,,	Inadequate accommodation and poor strength.
14	Kadakkavoor L. M. S. ,,	Overlapping.
15	Kizhattingal L. M. S. ,,	Do.
16	Pooyappally L. M. S. ,,	Do.
17	Anchal L. M. S. ,,	Do.
18	Chinnakada L. M. S. ,,	Do.
19	Plakad ,,	Do.
20	Thottakonam ,,	Do.
21	Upukood S. N. V. ,,	Mismanagement.
22	Pallipad C. M. S. ,,	Ceased to work.
23	Ezholi ,,	Overlapping.
24	Kottoor-Bhagom M. T. ,,	Do.
25	Vettiakonam ,,	Do.
26	Pariaram C. M. S. ,,	Do.
27	Kidangara ,,	Do.
28	Vazhur Mahilamandiram ,,	Ceased to work.
29	Anakullu St. Joseph's ,,	Do.
30	Parampuzha ,,	Overlapping.
31	Pariaramangalam C. M. S. ,,	Low strength.
32	Mavady ,,	Manager stated that it was not possible to work up the school
33	Cherunnalladu M. T. ,,	Overlapping; Manager closed the school
34	Adoor ,,	Manager closed the school owing to low strength,
	NIGHT SCHOOLS.	
35	Parakkal Night School	Unsatisfactory conduct of school and mismanagement.
36	Velianadu St. Stephens' Night School	Ceased to work.
37	Alwaye Settlement ,,	Do.

Appendix II.

[*Vide* Answer to Question No. 56.]

Statement showing the names with qualifications of the applicants who had applied for the forest training course at Coimbatore for the 1934—1936 course.

Serial No.	Name of applicant.	Age. Y.	M.	Caste.	Qualifications.	Rank.
1	P. A. George, Vadaserikara	22	3	Christian Protestant	B. A. degree Botany (Main) Zoology (subsidiary)	III
2	O. G. Chacko, Tiruvella	Not	given	Syrian Christian	Do. Do. Do.	Do.
3	G. Raghava Kurup, Neyyattinkara	22	..	Nair	Do. Do. Do.	Do.
4	K. Bhaskaran Nair, Edayaranmula	21	..	Do.	Do. Zoology (Main) Botany (subsidiary)	I
5	Cyriac Pothen, Changanacherry	23	..	Christian Roman Catholic	Do. Botany (Main) Zoology (subsidiary)	III
6	K. Gopalan Nair, Vycome	22	..	Nair	Do. Do. Do.	Do.
7	K. Kochu Koshy, Adur	22	.	Syrian Christian	Do. Do. Do.	Do.
8	C. J. Joseph, Kottayam	22	..	Christian Mar Thomite	Do. Botany (Main) Zoology (subsidiary)	Do.
9	N. Bhaskaran Nair, Trivandrum	19	.	Nair	Do. Zoology (Main) Botany (subsidiary)	Do.
10	P. J. Moses, Nagercoil	22	8	Christian (L. M. S.)	Do. Do. Do.	Do.
11	N. Sridharan Pillai, Trivandrum	26	..	Nair	Do. Botany (Main) Zoology (subsidiary)	II
12	M. Sridharan Nair, Trivandrum	22	..	Do.	Do. Do. Do.	III
13	M. G. Kumaran Nair, Do.	22	..	Do.	Do. Natural Science.	Do.
14	K. Madhavan Nair, Do.	22	..	Do.	Do. Do.	Do.
15	K. Velayudhan Nair, Nagercoil	22	..	Do.	Do. Botany	Do.
16	R. Madhavan Nair, Trivandrum	23	..	Do.	Do. Botany (Main) Zoology (subsidiary)	Do.
17	V. P. Karunakaran Nair, Trivandrum	23	..	Do.	B. Sc. Chemistry & Mathematics.	Do.
18	K. R. Karunakaran Nair, Kottayam	22	..	Do.	B. A. degree Zoology (Main) Botany (Subsidiary)	Do.
19	R. Subramania Pillai, Alagiapandiapuram	21	..	Vellala	Do. Chemistry and Botany.	Do.
20	R. Thanu Pillai, Suchindram	22	..	Do.	Do. Natural Science.	Do.
21	N. Gomatinayagom Pillai, Trivandrum	25	..	Do.	Do. Zoology (Main) Botany (Sub.)	Do.
22	A. Joonis Sait, Trivandrum	Not	given	Muslim	Do. Botany (Main) Zoology (Sub.)	Do.

Appendix II—(*contd.*)

Serial No.	Name of applicant.	Age. Y.	Age. M.	Caste.	Qualifications.	Rank.
23	K. K. Chinnamiran Rowther, Trivandrum	28	..	Muslim	B. A. Malayalam.	III
24	O. J. Kuruvilla, Changanacherry	23	..	Syrian Christian.	Do, Botany.	II
25	S. Jones, Trivandrum	25	..	Christian Protestant.	Do. Zoology (Main) Botany (Sub).	II
26	C. A. Joseph, Kottayam	Not	given	Syrian Christian.	Do. Botany (Main) Zoology (Sub).	III
27	S. Subramania Iyer, N. Parur	21	..	Brahmin.	Do. Do.	Do.
28	N. V. Mathew, Trivandrum	Not	given	Christian Mar Thomite.	Do. Do.	Do.
29	P. P. Chacko, Tiruvella	Not	given	Do Jacobite.	Do. Do.	Do.
30	E. S. Simon, Trivandrum	25	..	Do. Do.	Do. Zoology (Main) Botany (Sub).	II
31	M. I. Mathew, Trivandrum	22	..	Do. Do.	Do. Botany.	III
32	K. I. Thomas, Kottayam	21	..	Do. Protestant.	Do. Zoology (Main) Botany (Sub).	Do.
33	C. M. Thomas, Ayrur	24	..	Christian Mar Thomite.	Do. Botany (Main) Zoology (Sub).	Do.
34	N. Madhava Panikar, Trivandrum	21	..	Nair	Do. Natural Science.	II
35	J. Sankara Iyer, Dy. Ranger, Nedumangad	28	..	Brahmin.	Do. Botany.	Do.
36	S. Paddmanabha Iyer, Trivandrum	22	...	Do.	Do. Botany (Main) Zoology (Sub).	III
37	Koshi George, Alleppey	Not	given	Syrian Christian.	Do. Do. Do.	Do.
38	P. Ramaswami, Nagercoil	22	..	Brahmin.	B. Sc., Chemistry & Physics Group.	Do.
39	A. Parameswaran Nair, Trivandrum	22	..	Nair.	B. A. Botany (Main) Zoology (Sub).	Do.
40	K. Sankaranarayana Iyer, Do.	22	4	Brahmin.	Do. Do. Do.	Do.
41	R. Krishna Iyer, N. Parur	Not	given	Do.	Do. Zoology (Main) Botany (Sub).	Do.
42	S. Janakirama Iyer, Trivandrum	21	9	Do.	Do. Botany (Main) Zoology (Sub).	Do.
43	S. Narayanaswami, Madras	23	..	Do	Do. Zoology (Main) Botany (Sub).	Do.
44	V. A. Abdul Aziz, Chirayinkil	27	..	Muslim,	Do. Botany (Main) Zoology (Sub).	Do
45	J. Abraham, Mysore	23	..	Christian.	Do. Do. Do.	Do.
46	Subbia Pillai, Forester, Koni	20	..	Vellala.	Do. Mathematics.	Do.

ADJOURNMENT MOTION.

PRESIDENT Before we proceed to the next item in the agenda, I have again, for the third time, to bring to the notice of the House the fact that, this morning, I have received notice of another motion for the adjournment of the House. The motion reads thus :

> "..................to discuss a definite matter of urgent public importance, namely, that owing to the recent drought, the Pachipara Reservoir failed to supply water and so to guard against future failure at least immediate steps should be taken to supplement the Reservoir as proposed by Horseley."

As the Honourable members are aware, this question of drought, its extent, its reasons and its consequences, and the various measures which the Honourable members consider necessary to be adopted to overcome the present critical situation, were all thoroughly discussed, completely and exhaustively, yesterday, on a similar adjournment motion on the floor of this House. It will therefore serve no useful purpose if I should allow the same discussion again and thereby occupy, perhaps, unnecessarily, the time of the House. The Pachipara Dam, the consequences to the ryots in Nanjinad as a result of its failure and the measures that could be adopted to give relief to those people, were all discussed yesterday here. Therefore, I think, this adjournment motion will be absolutely redundant. I rule it out of order.

LEGISLATIVE BUSINESS.

THE TRAVANCORE COMPANIES REGULATION AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee on the Travancore Companies Regulation Amendment Bill, and beg to move that the Bill, as reported, be taken into consideration.

MR. R. M. STATHAM (*Director of Public Instruction*) I second it.

The motion was put to vote and carried.

Clause 1.

The question that clause 1 do form part of the Bill was put to vote and carried.

The clause was added to the Bill.

Clause 2.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*); Sir, I beg to move the following amendment :

> "Add the words '*not being a private company*' after 'company' and before 'required' in line 1 of the proposed section 141 A (1)."

The House will remember that, when the Bill was introduced it contained the expression "not being a private company" after "company" and before "required". I dare say that the expression was deliberately introduced there with the idea of excluding private companies from the operations of the Bill. The exclusion of private companies was a principle of the Bill. The Select Committee has omitted these words, and they justify it by saying that, in the Bill as they have revised, they do not insist on the production of all the documents in the possession of companies before the Inspecting Officer for

inspection and audit but only such of the documents as are required under the Regulation to be kept by them. But this is not a sufficient ground, I submit, on which they can interfere with one of the main principles of the Bill. Sir, the original Bill, as it was introduced, was not intended to apply to private companies. As such, the Select Committee is not entitled to go beyond the purview of the Bill and to extend its operation to private companies also.

It is a very large power that this provision, in clause 2, seeks to confer on the Government, and it is liable to be used by the Inspecting officer to the detriment of companies.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Does the member contend that the principle of the Bill that was accepted by the House when it was introduced was that it should not extend to private companies?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Yes; that is clear from the wording of the original Bill. The expression that I now seek to add again, found a place in the original Bill. So far as I can see that was a principle accepted by the House. The Select Committee has included private companies also under the operation of this section. That is why I said that the Select Committee had gone beyond the purview of the original Bill in inlcluding the private companies also under its operation,

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Where is it stated that the original Bill was not intended to extend to private compnies?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): In the original Bill itself.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Has any such statement been made in the Statement of Objects and Reasons?

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): That was the original wording of the section, and I dare say it was deliberately worded like that. It was done for very good reasons.

On the merits also, I submit it is neither expedient nor desirable that Government should take power to interfere in this manner with private companies. The very nature of the constitution of private companies demands that Government should not interfere with their management. Sir, I move my amendment.

MR A. EASWARA PILLAI (*Kalkulam II*); I support the amendment moved by Mr. Karayalar,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); Sir, I have to oppose this amendment. It is true that the original Bill excluded private companies from the operation of the provision. But it may be mentioned that under the Bill as introduced, every document, say, every book, account or other record kept by a company was made subject to inspection and audit Under the Bill as revised, it will be noted, it is not every document, book, or account that is subject to inspection. The

only papers subject to inspection under the revised provision are such books and accounts as are required by the Regulation and Rules to be kept by a company. Even private companies have to keep some documents under the Regulation. Now if that class of documents is considered by the Legislature to compel even private companies to keep them, why is it objectionable to lay down that they should be open to inspection? This is the view that the Select Committee took and if I may say so, that view appears to be right.

The motion was put to vote and lost.

MR. S CHATTANATHA KARAYALAR (*Shencotta*) : Sir, I beg to move the following amendment:

"Omit the words 'and audit' in line 3 of the proposed section 141 A (1) of the Travancore Companies Regulation Amendment Bill"

Sir, my object in moving this amendment is not to take away the power of audit by Government. My point is that there is a special section dealing with audit of accounts of companies coming later, *viz.*, section 150 A. That section deals with the appointment of auditors by Government. I cannot see why Government should take power to audit the accounts of companies and confer it on the Registrar, when they have such power under a special section. Then there is also another difficulty. If the power of audit is conferred upon the Registrar it would lead to the possibility of two audit reports being made, one by the Registrar and the other by the auditor. And these reports may possibly be conflicting. To avoid this difficulty also I propose this amendment. Sir, I move my amendment.

MR. A. EASWARA PILLAI (*Kalkulam II*) : I support the amendment of Mr. Karayalar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. It will be seen from the previous section that the books and accounts are expected to be inspected. Audit is but an inspection of the accounts.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Is there no possibility of two audit reports?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Registrar makes the audit for his own information and makes a report to Government.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Does the Registrar supply the shareholders with his report?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No; not automatically.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*) ; What about the public interested in private companies?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Does that question arise in this amendment?

MR P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Does the Registrar audit the accounts of private companies?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) If the accounts are such as are required by law to be kept.

The motion was put to the vote of the House and was lost.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) Sir, the next amendment I have to move is only consequential to the previous two amendments which were lost and so I do not wish to move the amendment.

PRESIDENT: Quite right.

The question, therefore, I have to put is whether clause 2 forms part of the Bill.

The motion was put to the vote of the House and carried.

The clause was added to the Bill.

Clause 3.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I rise to move the following amendment to clause 3 of the Bill:

"Delete sub-section (1) of the Proposed section 142 and retain sub-section (2) as section 142, omitting the words "Without prejudice to the generality of the foregoing power" from the said sub-section (2).

Sir, section 142 confers upon Government the power of investigating the affairs of a company. This is a very wide and general power which the Government want to take. I do not propose by my amendment to take away absolutely the power conferred upon the Government. Sir, sub-section (ii) of this section deals with the circumstances under which Government may order the investigation of the affairs of a company on the initiative of the shareholders Government may move on the application of members holding not less than one-fifth of the shares issued or on a report submitted by the Registrar under section 141, sub-section (5) or section 141 A (3). Government may also take action to investigate the affairs of a company on the report of an auditor under section 150 A. The power of investigating the affairs of a company should be exercised by Government only on the application of shareholders of the company. I cannot possibly conceive of a set of circumstances under which the Government will order the investigation of the affairs of a company other than those enumerated in sub-section 2 of section 142. Even if the Government want to take action to investigate the affairs of a company on their initative, they can do so on the report of the Registrar under section 141 or section 141 (A) or on the repor of the auditor under section 150A. Therefore, Sir, sub-section (i) of section 142 seems to me to be unnecessary. With regard to the latter part of my amendment, I submit that the words "Without prejudice to the generality of the foregoing power" have to be deleted from the said sub-section (2), if my amendment is accepted. Sir, I move the amendment.

MR. A. EASWARA PILLAI (*Kalkulam II*): I support the amendment of Mr. Karayalar.

MR. KAYALAM PARAMESVARAN PILLAI (*Additionl Head Sirkar Vakil*): Sir, I oppose this amendment and I may say, at the outset, that the provision sought by the amendment to be deleted is the life and soul of the Bill. If the amendment is accepted and the deletion made, what would be left is what is in the Regulation as it stands even now. I cannot therefore accept the amendment at all. Mr. Karayalar is right in saying that under certain circumstances Government can even under the amendment, order the investigation into the affairs of a company; those circumstances are laid down in sub-section (2). It will be noticed, however, that according to sub-section (2) Government can order investigation into the affairs of a company only if a specific proportion of the number of the shareholders makes an application for the purpose. Government can move in the matter only if certain individuals make the application. Government feel that any appreciable number of shareholders is not likely to combine together for the purpose or for protecting themselves otherwise and that some unconditional power must be reserved to Government to intervene whenever necessary. And Government want the power in the public interests, for there are many companies in Travancore. This power would not of course restrict the power of the shareholders to ask for investigation.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know whether there is not such a power conferred upon Government under sub-section 4?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No; that, I think, is only on receipt of a report.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): My point is under sub-section 2, sub-clause 4, a new power is conferred on Government for investigation and report under section 141 A. There this new power is conferred upon Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Literally speaking Mr. Karayalar is correct. But not substantially. If we want to confer power on Government to initiate investigation even without application from anybody in certain exceptional circumstances, there must be a specific clause for it. Ordinarily, no doubt, it is only on application or report that Government will act; but it is necessary that Government should have an unrestricted power for the Government to order investigation. That is the very reason for which the Bill was introduced.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether it would obviate the force of the section to reduce the number of applications to the last minimum?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): To some extent it may. But that is not sufficient. Suppose, in a case one single member alone comes forward and convinces the Government, saying also that he cannot get sufficient number of shareholders to join him.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Cannot the members act on the report of the Registrar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They may. The Registrar's inspection is limited and cannot go far enough as a matter of fact and will not meet all cases. I think, Sir, that the provision is a wholesome one and cannot be omitted.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I know whether the mere representation of one shareholder of the company is sufficient to move the Government to take action to order the investigation of the affairs of the company under this provision?

PRESIDENT: It is impossible for a human being to consider the various views and to give a satisfactory reply to all of them. The Law Member had tried to explain the necessity for the retention of the provision. He has given the reason in a very free and frank manner. A number of questions were put. It is impossible for any human being to conceive of all possible contingencies and to make provision for them.

Moved and seconded that sub-section 1 of the proposed section should be deleted. I will put that first.

The amendment was put to the vote of the House and lost.

The question that clause 3 do form part of the Bill was put to the vote of the House and carried.

The clause was added to the Bill.

Clauses 4 and 5.

The question that clauses 4 and 5 do stand part of the Bill was then put and carried.

The clauses were added to the Bill.

Preamble.

The question that the Preamble do stand as part of the Bill was put and carried.

Title.

The question that the Title do stand part of the Bill was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, before proceeding to the third reading of the Bill I have to move that in clause 1, sub-clause (1) the figure "1110" be substituted for "110".

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: The amendment moved by the Law Member is that in clause 1 sub-clause (1) the figure "110" shall be substituted by the figure "1110".

The amendment was put to the vote of the House and carried and the clause as amended was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill, as now amended, be finally passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: Moved and seconded that the Bill will be passed into law.

The Bill as amended was put to the vote of the House and carried.

The Bill was passed.

THE TRAVANCORE COURT OF WARDS BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the report of the Select Committee on the Travancore Court of Wards Bill and beg to move that the Bill as reported by the Committee be taken into consideration.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

PRESIDENT: Moved and seconded that the Travancore Court of Wards Bill, as amended by the Select Committee, be taken up for consideration.

The motion was put to the vote of the House and carried.

Clauses 1 to 4.

The question that clauses 1, 2, 3 and 4 do form part of the Bill was put to the vote of the House and carried.

The clauses were added to the Bill.

Clauses 5 to 7.

The question that clauses 5, 6 and 7 do form part of the Bill was put to the vote of the House and carried.

The clauses were added to the Bill.

Clauses 8 to 18.

The question that clauses 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 do form part of the Bill was put to the vote of the House and carried

The clauses were added to the Bill.

Clauses 19 to 34.

The question that clauses 19, 20, 21, 22, 23, 24, 25. 26, 27, 28, 29, 30, 31, 32, 33 and 34 do form part of the Bill was put to vote and carried.

The clauses were added to the Bill.

Clauses 35 to 42.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, in regard to clause 41, I wish to move an amendment, though I was not able to give notice of it.

PRESIDENT: Let me know the form of the amendment.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I beg to move that: *clause 41 of the Bill be deleted.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is a very long clause and since no notice was given I am not quite prepared to meet it. If, at least, I had private notice of it, say, this morning, I would have been ready. As matters stand, I object.

PRESIDENT: Yes. I think it would be rather difficult to take up an important amendment like that at this stage. The Law Member, I think, would feel grateful if the member had given him notice at least this morning. So in view of that, it is rather hard for the Chair, at this last moment, to say that this amendment be moved.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, then I pray that clause 41 may be put separately so that I may have an opportunity to oppose it.

Clauses 35 to 40

The question that clauses 35, 36, 37, 38, 39 and 40 do stand part of the Bill was then put and carried. The clauses were added to the Bill.

Clause 41.

PRESIDENT: The next question is whether clause 41 do form part of the Bill.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I oppose for this reason This clause provides that when any property of a ward is in possession of a mortgagee it may be taken possession of by the court even against the will of the mortgagee. The only condition is that the Government should be satisfied that it is expedient in the public interests that the estate should be preserved and the encumbrancer should deliver up possession of the mortgaged property and make a declaration to that effect. Sir, in regard to that condition, I contend that it is quite an illusory guarantee and that it cannot be a justification for depriving a mortgagee who has parted with his money on certain specific conditions, of the possession of his mortgage holding. Again the other provisions of the clause are, by no means, adequate to safe-guard the interests of the mortgagee. These are contained in the succeeding sub-clauses. If the mortgagee refuses to part with his possession the Division Peishkar can evict him against his will. This is in spite of any term for which the mortgage is granted. Under the third sub-clause the Division Peishkar shall offer to the mortgagee such interest as the Division Peishkar thinks proper. Such interest seems to be only on the principal of the mortgage money. It is a matter of very common knowledge that in Travancore mortgages are in many cases taken with the definite purpose of improving the property. The mortgagee improves the property in the hope of enjoying it till the end of the term and of getting the mortgage money and the value of improvements before surrendering possession. Under these circumstances it would be quite unjust to deprive the mortgagee of his possession without paying his mortgage money and the value of the improvements he has effected. According to the clause in the Bill, he has, after giving up possession, to wait for the return of his money. The income from the property will be first used for the several items of expenditure mentioned in clauses 1 and 2 detailed in clause 30 and it is only what balance is left that will go to the mortgagee.

PRESIDENT: You are not to circumvent the ruling of the Chair in disallowing the amendment. If you want to speak on that, I shall have to rule you out of order.

MR. A THANU PILLAI (*Trivandrum-Rural*): May I briefly mention the grounds on which I oppose the clause?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): A point of order. Now there is a motion before the House that this clause do form part of the Bill and one member opposes the motion whether the clause do stand part of the Bill or not. Is it not necessary that not only the member who starts the opposition but others who want to support the opposition also should be given an opportunity to speak?

PRESIDENT: Unless there is a definite amendment before the House, no member has got the right to speak.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Even if they have to oppose?

PRESIDENT: Well, at that rate, on every clause the whole House can speak. Why did he not put in an amendment?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The motion that the clause do stand part of the Bill is before the House and we can speak on it.

PRESIDENT: It is only on an amendment that any member can speak, and, when a clause is put, it has only to be voted upon.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Then again there is no guarantee that the debt will be paid off by the court before they discharge themselves of the responsibility to administer the estate.

Under these circumstances, Sir, it is quite unjust and arbitrary that the mortgagee in possession is disturbed. Further, the estate will not suffer if this provision is not inserted in the Regulation. So I oppose the clause.

PRESIDENT: Let me tell Mr. Asan distinctly that it is not the intention of the Chair either to act arbitrarily or to shut out legitimate discussion. This motion, as Mr. Asan will clearly understand, is not a motion before the House. It is merely a question, put by the Chair, as to whether this clause do form part of the Bill. Those who are in favour of it will certainly say 'yes' and those who are against it will say 'no'. There is not a regular motion before the House. Therefore, Mr. Asan will understand that anything which is not a motion is not open to discussion.

The question that clause 41 do form part of the Bill was put and declared carried.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I demand a poll.

A poll was accordingly taken with the following result:

AYES—28.

1 Mr. N. Abdur Rahiman Sahib
2 ,, V. T. Chacko
3 ,, S. Chattanatha Karayalar
4 ,, A. Easwara Pillai (*Kalkulam II*)
5 ,, John Whitley Tolson
6 ,, Antony George
7 ,, M. Mahomed Haneef
8 ,, T. S. Jayantan Nambootiri
9 ,, N. John Joseph
10 ,, K. C. Karunakaran
11 ,, T. T. Kesavan Sastri
12 ,, K. M. Krishnan
13 Rao Sahib Dr. N. Kunjan Pillai
14 Mr. E. K. Kunjuraman
15 ,, C. O. Madhavan
16 Mr. K. Madhavan
17 Srimati T. Narayani Amma
18 Mr. G. Nilakantan
19 ,, R. Nilakanta Pillai
20 Rao Sahib S. Paramesvara Aiyar
21 Mr. Kayalam Paramesvaran Pillai
22 Rao Bahadur N. Ramanuja Aiyangar
23 Mr. K. Sankaran
24 ,, James Simpson
25 ,, R. M. Statham
26 ,, T. C. Thommen
27 ,, G. B. E. Truscott
28 ,, T. K. Velu Pillai.

NOES—27.

1 Mr. K. C. Abraham
2 ,, A. S. Damodaran Asan
3 ,, A. Easwara Pillai (*Kottarakara*)
4 ,, T. C. Joseph
5 ,, K. P. Krishna Menon
6 ,, Pottayil S. Krishna Panickar
7 ,, E. V. Krishna Pillai
8 ,, Puthupalli S. Krishna Pillai
9 ,, T. Krishna Pillai
10 ,, K. Kunjukrishna Pillai.
11 ,, M. K. Madhavan Pillai
12 ,, K. Mahomed
13 ,, M. N. Nair
14 Mr. K. A. Narayana Pillai
15 ,, Pacode A. Narayana Pillai
16 ,, P. K. Narayana Pillai
17 ,, S. Nilakanta Pillai.
18 ,, Changanachery K. Paramesvaran Pillai
19 ,, V. Ramakrishna Panickar
20 ,, R. Raman Pillai
21 ,, M. Sivatanu Pillai
22 ,, A. Thanu Pillai
23 ,, S. Thiraviam Nadar
24 ,, P. K. Thomas
25 ,, N. E. Varughese
26 ,, V. K. Velappan Nair
27 ,, T. P. Velayudhan Pillai

NEUTRALS—3.

1 Mr. K. R. Elenkath
2 ,, K. M. Kuriakose
3 Mr. P. C. Narayanan Bhattatiripad.

The motion was declared carried.

The clause was added to the Bill.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : The official members were only eight and not nine. The Police Commissioner came in the middle of the voting and so his vote should not be counted.

PRESIDENT : The poll having been declared, there can be no further question.

Clauses 42 to 48.

PRESIDENT : The question is that Clauses 42, 43..............

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Clause 42 may be separately put for the identical reason that Clause 41 was put separately.

The question that clause 42 do form part of the Bill was then put and carried and the clause was added to the Bill.

Clauses 43 to 48.

The question that clauses 43 to 48 do form part of the Bill was put and carried and the clauses were added to the Bill.

Clauses 49 to 57.

The question that clauses 49 to 57 do form part of the Bill was put and carried and the clauses were added to the Bill.

Clauses 58 to 62.

The question that clauses 58 to 62 do form part of the Bill was put and carried and the clauses were added to the Bill.

Clause 63.

The question that clause 63 do form part of the Bill was put and carried and the clause was added to the Bill.

PREAMBLE.

The question that the Preamble do stand part of the Bill was put and carried.

TITLE.

The question that the Title do stand part of the Bill was put and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I shall, now proceed to move the third reading of the Bill. But before I move that, I beg permission to move a formal amendment in sub-clause (1) of clause 1 to add the figure 1110 at the end.

MR. A. S. DAMODARAN ASAN (*Marelikara*). The second reading is now over. May I know whether the member is moving it at the third reading.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes.

MR. A. S. DAMODARAN ASAN (*Marelikara*): Then I oppose that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now move the amendment that the figure "1110" be added at the end of clause 1 (1).

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

The amendment was carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I now move that the Bill as amended be passed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I oppose the motion and say that the Bill should not be taken up for the third reading just now. Sir, provision is made for the three readings of a Bill with some purpose. I do not know any reason why the third reading of the Bill should be hurried through. Instead, the Government themselves can consider the whole matter and if they find that there is any necessity for changes to be introduced, of course, the official member himself might be convinced of it and he can bring amendments at the time of the third reading. There is absolutely no necessity for the Bill being rushed through all the three stages. There is some purpose in providing that a Bill should pass through certain definite stages. Hasty legislation should not be resorted to. There is absolutely nothing lost if the House waits and considers over this very important question. It might happen that the learned Law Member himself might have suggestions that will make the Bill better and the legislation safer.

On these grounds, Sir, I oppose the motion of the Law Member that the Bill be taken up for the third reading at the present moment and I also request that this House shall not allow this method of rushing through the legislation. The Law Member has been doing that in regard to various Bills and we must put an end to that practice.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I say one word, Sir?

PRESIDENT: Yes.

MR. KAYALAM PRAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The second reading was finished and there has been no amendment to the Bill. Under Standing Order No. 46 of the Sanding Orders of this House the third reading of the Bill may be taken up immediately. Standing Order No. 46 reads thus:

"(1) When a motion that a Bill be taken into consideration has been carried, and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the President, in the exercise of his power to suspend this Standing Order, allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day."

So, I am entitled to make the motion, and the normal procedure is to move the third reading at once if there has been no amendment at the second reading. That is what the Standing Orders contemplate. There is nothing extraordinary in this Bill and nothing has turned out to suggest a departure from the normal course.

MR. R. M. STATHAN (*Director of Public Instruction*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): We are not questioning his right to move it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Even though no amendment has been made, there was an opposition because no amendment could be moved. It was not the case that the Bill was passed without any opposition and that the whole House accepted everything at the second reading stage. There might be points which the learned Law Member might consider would require a change. That is why the third reading of a Bill is provided for during another session and what is it that is lost by waiting for another session of the House?

PRESIDENT: If there were some important amendments to be made in this piece of legislation I should have expected the Honourable members to apply their minds when the Bill was circulated. But all these days nothing has emanated. Suddenly, at the last moment when the clause is about to be put to the House, certain members say, 'we want this to be deleted'. That does not indicate that the members of the House take an interest in the Bill or that it is such a vicious Bill that it ought not to be passed into law. If that was the case, I should certainly have been prepared to give them all the indulgence they ask for. No doubt, there are occasions when the third reading of a Bill should not be rushed through. But the question is whether this is one such.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): May I say a word, Sir?

PRESIDENT : Yes.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : I was the chairman of the Select Committee which sat on this Bill. The report of the Select Committee has been accepted by the House. The principle contended for by Mr. Kunjukrishna Pillai appears to be sound, because the Law Member has not stated any reason why any exceptional treatment should be given to this Bill. I am keeping an open mind on this question, Sir but so long as the Law Member has not thought it necessary to give any particular reason why the third reading of the Bill should be taken up immediately some of us feel the position to be one of real difficulty. If there is anything to be served by rushing through the Bill, the Law Member should ask the permission of the House. But so long as no reasons are forthcoming a different view may be taken. So, I would request the Law Member to state why if there is no particular reason, this Bill should be taken up for the third reading. He might take into his confidence this House also and have the Bill passed at the proper stage.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) In every Legislative Chamber, it will be seen, if there is no amendment at the second reading stage of the Bill, it is automatically taken up for the third reading. The second para of the Rule reads thus :—

> "If any amendment of the Bill is made, any member may object to any motion being made on the same day that the Bill be passed, and such objection shall prevail unless the President, in the exercise of his power to suspend this Standing Order, allows the motion to be made."

Again,

> "Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day."

So much so, it is open to me to bring this Bill even to-morrow for its third reading, even if there has been an amendment at the second reading. So, as a matter of course, when there is no other business in regard to this Bill, the third reading is taken up. This is not a novel procedure. I do not understand how the right of the House has been infringed in this. Further, this has to go to the other Chamber after it is passed here and that may take time. So we should economise time as much as possible.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether there is any emergency in passing the measure just now?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) It is not an emergency measure.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Did the Law Member consider the objections raised by Mr. Thanu Pillai as reasonable?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : On that clause, as on every other clause, the Select Committee considered the matter very carefully in all its aspects. Without a single dissentient voice the clause has been accepted. There were 12

[Mr. Kayalam Paramesvaran Pillai.]

members on the Select Committee. No notice of any amendment was sent up by any of the 62 non-official members, excepting Mr. Thanu Pillai. Nobody even thought of opposing any portion of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Was the objection raised by Mr. Thanu Pillai raised in the Select Committee?

PRESIDENT: Mr. Kayalam Paramesvaran Pillai says, under the normal procedure to be adopted, it is permissible under the rules to proceed with the third reading. And, automatically third reading takes place after the completion of the second reading. If there is no amendment, the Bill as amended by the Select Committee, goes through the same form as it emerged from the Committee. Under these circumstances, I think, there is nothing gained by postponing the third reading to a future date. However, on the other hand, there seems to be a suggestion that instead of getting through the third stage at once it might be taken up some other day.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have no objection to move it to-morrow.

PRESIDENT Are the Honourable members aware there is one more official day and that is to-morrow?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) In that case we will proceed with the Bill even now.

PRESIDENT: To postpone a Bill in this patent form after it has emerged from the Select Committee and when there is no amendment proposed at the second reading—there is no object in postponing the Bill to a future date. There is no meaning in a procedure like this.

MR. A. S. DAMODARAN ASAN (*Mavelikara*). That has been the case with regard to all Bills passed in this Council until the Reforms Regulation was passed.

PRESIDENT: However, I do not wish to anticipate the view of the House. Somebody who is anxious to have the third stage being adjourned to a later day will have to move a formal motion.

MR. T. K VELU PILLAI (*Trivandrum-Urban*): The motion that the Bill need not be proceeded for the third reading has been proposed. The Law Member stated that he had no objection in taking up the Bill to a future day for further consideration. Then Mr. Asan said that we will have the Bill even to-day itself if that be the case. Sir, I want a ruling on that point. Whether, in the light of the undertaking given by the Law Member that he is not particular of having it to-day, any member can say, if that is a condition we will have it to-day.

PRESIDENT: Is any body going to move that this Bill be taken up for consideration to-morrow or not?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): A motion has already been moved by the Law Member and it stands opposed.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I move that the third reading of the Bill be postponed to the next session of the Assembly.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to a point of order. A motion for adjournment cannot specify a particular day for the postponed business.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Is the motion moved by the Law Member before the House, Sir?

PRESIDENT: Moved and seconded that the third reading of the Bill be taken up at once.

Those who are in favour of the motion, please show their assent.

The motion was put to vote and lost.

THE TRAVANCORE LUNACY BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I beg to present the Report of the Select Committee on the Travancore Lunacy Bill and move that the Bill as reported be taken up for consideration.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

Clause 1.

PRESIDENT: As there is no amendment to clause 1, I take it, the House agrees to the clause being added to the Bill.

Clause 1 was added to the Bill.

Clause 2.

MR PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I beg to move the amendment that :

The word 'or' occurring in sub-clause 1, line 1, be deleted and the word 'and' put in.

I wish to offer a few words by way of explanation why this amendment is necessary. Before I am able to convince the House as to what exactly is indicated by this amendment I have to state some facts relating to the general principles involved in the Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): The word 'or' occurs twice. May I know to which 'or' the member refers?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I refer to the second 'or'. In case the first amendment is not carried, I wish o move the second amendment in order that the words "or declared to be such," may be deleted and the section may be deprived of all the evils which it otherwise would have. It is stated in the Objects and Rea ons that this Bill has been drafted on the lines of Act IV, 1912, the British Indian Lunacy Act. Further, it says that the Lunacy Regulation which is in existence at present is found to be insufficient. On referring to the corresponding clause in the British Indian Act, in the place of this phrase that we find here, "or declared to be such" we find the expression "or licensed by". My impression is that this expression "or declared to be such" in the present Bill is intended to be the substitute

for the other expression found in the British Indian Enactment. Under the scheme of the British Indian Enactment it is not only Government hospitals or asylums that are to receive lunatics so found. Government have reserved to themselves the power to issue licenses to private hospitals and authorise them to receive lunatics into their institutions. If that is the object with which this phrase is sought to be retained here my submission is that it ought not to be permitted mainly for two reasons.

In the British Indian Enactment which contemplates cases of private institutions being licensed to take lunatics, there are three important clauses enacted in that Act. The first relates to the liability on the part of the private institutions not only to establish and maintain an asylum for lunatics but to maintain a mental hospital for lunatics. The distinction will be clear. An asylum is defined to be an asylum for lunatics or a mental hospital for lunatics. So much so it may be only an asylum for lunatics and it need not be a mental hospital for lunatics. An asylum may be a mental hospital in which case it is a mental hospital for lunatics. Therefore when the British Indian Act was passed they thought it fit to introduce in the Bill a clause making it a condition precedent to the issue of licenses to private institutions that they shall maintain a mental hospital. It ought not to be a mere asylum for lunatics but ought to be a mental hospital. It also confers upon Government power to revoke that license under certain circumstances. The third reasons is this. The Government is authorised to issue reception orders to Government asylums or licensed asylums. Those in charge are then bound to receive the lunatics. It is the duty of the State to take care of its lunatic subjects. Lunatics ought to be taken charge of by the State to prevent them from doing harm not only to themselves, but to the other members of the society. It therefore becomes the duty of Government to maintain them during the time they are in their custody. In the case of lunatics who are possessed of means to maintain themselves, provision is made enabling Government to recoup themselves from such property. In the case of pauper lunatics the cost of maintenance is to be met from the general revenues. When the law says that a lunatic, whether pauper or not, shall be received by a licensed asylum, provision must be made directing Government to compensate them for the cost incurred for maintaining them. The British Indian Act makes provision for this.

These are some of the provisions which find a place in the British Indian Enactment and which have been calculated to enable the Government to issue licenses. One is making it legally obligatory for the Government to contribute towards the maintenance of the lunatics received in private lunatic asylums. The importance of this I have already explained The other is making it obligatory for the private institution to carry on a curative treatment of the lunatics, which can be done only in a mental hospital. It is not enough if they maintain an asylum. If I put up a building and say that I will afford conveniences for making it an asylum, Government may have to make a

declaration. I need not have in it a mental hospital. I am not legally bound to have a course of curative treatment carried on there. Then what happens is this. One can put up a large number of sheds suitable for the detention of lunatics and make a profit out of it without undergoing any corresponding inconveniences or expenses attending the establishment of a mental hospital. The statutory power of declaration must be restricted to cases where mental hospitals, as distinct from asylums, are established. Again the power for a declaration must have a corresponding power to wipe out the effect of the declaration whenever there is a necessitty for it. This power must be as express and clear as the other. Otherwise after making declaration Government will find themselves incompetent to undo the mischief that they might have done. In British India if the conditions of the license are not satisfactorily complied with or if no curative treatment is carried on on proper lines Government can cancel the license and deal with the matter in a way they deem best. Statutory provision is made for this. Under the general law a license is liable to be cancelled if the licensee does not conform to the conditions. In spite of this, the British Indian Legislature thought that express provision was necessary.

Now this small word 'or' in this clause without the inconvenient long clauses relating to the three matters above indicated, has created great difficulties. I therefore thought that if Government who are responsible for the drafting of this Bill did not want any of the inconveniences of the British Indian Act, they should not enjoy the unrestricted convenience arising from this small word 'or'. The effect of the amendment would be that Government alone shall establish lunatic asylums and they shall declare them to be such.

The House rose for lunch at 1-7 P. M. and re-assembled at 2-2 P. M., the Deputy President presiding.

NEW MEMBER SWORN IN.

DEPUTY PRESIDENT: The Secretary to the Assembly called out the name of Mr. N. K. Padmanabha Pillai to take the oath. I wish to say this. I do not see it in the agenda, and, so far as the rules go, the taking of oath must precede every other business in the House in the morning. I wish to hear from the Law Member how the precedents stand.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as precedents are concerned, I think there has been an instance, in the last session. It was, I believe, Mr. Thiraviam Nadar who took the oath in the afternoon. It is only a small business and it is left to the discretion of the Chair to allow half a minute for it.

DEPUTY PRESIDENT: Not that I am unwilling to allow the time required for it. But I do not want to use my discretion. if the precedents are so strong that I am bound to follow them.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is in the agenda.

DEPUTY PRESIDENT : That is taking of the oath in the morning.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

DEPUTY PRESIDENT : But is there any well-defined practice in this House as regards the taking of oath in the afternoon ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

DEPUTY PRESIDENT : As I understand from the Law Member that there is a clear and well-defined practice, for the time being, I propose to follow that practice. Mr. Padmanabha Pillai may take the oath.

Mr. N. K. Padmanabha Pillai then took the oath and signed the Rolls.

THE TRAVANCORE LUNACY BILL—(*contd.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, to elucidate my point I wish to read some of the relevant sections of the corresponding British Indian Enactment. Section 3 clause (1) says :

> "Asylum means an asylum or mental hospital for lunatics established or licensed by Government."

Sections 84, 84 A and 86 are the three sections dealing with the licensing of private asylums, that have been significantly omitted by the Law Member from this Bill.

Those sections are dealt with in a separate Chapter, Chapter VI —Establishment of asylums.

Section 84 reads:

> "The Local Government may establish or license the establishment of asylums in such cases as it thinks fit, if it is satisfied that provision has been or will be made for the treatment therein of persons suffering from mental diseases."

Section 84 A reads —

> "If in any licensed asylum no provision for curative treatment has been made, or the Local Government consider that the provision made is insufficient, the Local Government may require the person in charge of the asylum to take such measures for making or supplementing such provision as it may deem necessary, and, if such person does not comply with the requisition within a reasonable time, the Local Government may revoke the license."

Section 85 is not relevant and has been rightly omitted from our Bill.

Then the next relevant section is section 86.

DEPUTY PRESIDENT : I wish to make one point clear. You seem to refer to the British Indian Act rather elaborately and you are pointing out what sections of the British Indian Act have been ommitted and so forth. It is not stated that this Bill is drafted exactly on the same lines and in the same manner as the British Indian Enactment. No doubt, that might have been used. So, any elaborate observation of what the British Indian law is may be avoided. Reference may certainly be made whenever necessary.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, in the Statement of Objects and Reasons declared in the Bill as it was originally introduced, I find the following :

> "In regard to the care of the person and the management of the estates of lunatics by taking proceedings through the District Court, there is some provision in the existing Regulation, but they are not perhaps ample. In British India, the law now in force is the Indian Lunacy Act 1912, IV of 1912, with subsequent amendments. It is considered that a law *on the lines of that Act* will be beneficial to Travancore also. The Bill has accordingly been prepared *on the lines of* the British Indian Act."

DEPUTY PRESIDENT : I want to make a correction. "On the lines of the British Indian Act" does not mean that everything has been taken from there. It is only the spirit of the law that is taken. That is why I said you may refer to the British Indian law but not elaborately.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, there are altogether 72 clauses in the Bill. All the 72 find a place in the British Indian Enactment and they have been faithfully copied from the British Indian Enactment with some amendments here and there, a change of a word or a small phrase. This is a case in which the spirit of the law has not been followed. Section 86 reads thus :

> " When any lunatic is admitted to a licensed asylum under a reception order or an order under section 251 and no engagement has been taken from the friends or relatives of the lunatic or order made by the Court for the payment of expenses under the provisions of this Act, the cost of maintenance of such lunatic, shall, subject to the provisions of any law for the time being in force, be paid by the Government to the person in charge of such asylum."

Sub-section 2 of the section is relevant.

These are the relevant sections which have been incorporated in the British Indian Act as safeguards against improper exercise of the power to license. Under the British Indian Act power is given to Government to issue license to private institutions, but the Government can do so only under restricted conditions. Those conditions are laid down in the two sections 84 and 84 A that I referred to. And for the corresponding liability to meet the charges of lunatics sent over there is the provision in section 86. If the learned Law Member who drafted the definition of the word 'Asylum' in this Bill thought that he was thereby conferring upon Government the power not only to establish asylums but also to declare any institution not established by Government but established by others as a lunatic asylum, my humble submission is that that power can be conferred upon Government only with the necessary safeguards similar, at least, to those found in British India.

I have always been opposed to the policy of conferring upon Government unlimited powers for extending the scope of the provisions of a statute. I have always found that in British India some restriction is placed upon Government in the exercise of any general power conferred upon them by statute. This Bill which is drafted on the lines of the British Indian Enactment, I think, must also conform to those provisions. Otherwise, here is a large power conferred upon Government to declare any place as a lunatic asylum, and that without any of

[Mr. Puthupalli S. Krishna Pillai.]

the necessary safeguards. I was under the impression, Sir, when I first read this Bill, that it might not contain the full implications which I have now sought to place upon the words under discussion that it after all meant only a lunatic asylum established by Government and declared to be such. But on a comparison of this Bill with the British Indian Act I found that that was not the case. Even though there are 72 clauses in the Bill, there is not a single clause in which a safeguard provision as is made. At the end of the Bill, in Schedule 1, form 5, I find the expression 'sent to an asylum not being an asylum established by Government' so that, this Bill clearly contemplates asylums established by Government and asylums not established by Government but declared to be asylums for the purposes of this Regulation. Therefore, there cannot be any doubt that this Bill, as it stands, contemplates two kinds of asylums, one established by Government and the other not established by Government but declared to be such by Government in exercise of the power conferred upon them.

To elucidate my position still further, Sir, I would refer you to the Lunatic Asylum Regulation, I of 1080, and the definition therein contained of the word 'Asylum'. Section 3 says: "Our Dewan may, without previous sanction, by Notification in the official Gazette, appoint any place as a lunatic asylum for the purpose of this Regulation and specify the local area from which lunatics may be sent to such asylums."

This clearly contemplates an appointment of a place by Government and a Gazette Notification of such appointments, which is substantially the implication contained in my amendment.

DEPUTY PRESIDENT: Is it stated there that the Government can declare only Government institutions as lunatic asylums?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The word appoint clearly indicates it. At any rate I am quite certain that private property of others is not sought to be affected thereby. It is in pursuance of this that the Olampara Hospital has been declared to be a lunatic asylum for the purpose of the Regulation.

Whatever that may be the distinction is made here between lunatic asylums established by Government and those not established by Government but declared to be such by Government. That will clearly show that the Bill deals with two different sets of hospitals one established by Government and the other not established by Government, and in regard to those not established by Government, I would suggest, Sir, that there should be some safeguards. The safeguards embodied in the British Indian Enactment are omitted from this Bill. All three safeguards are taken away. Therefore it is, that I brought forward this amendment. It is not enough if Government establish an asylum, but they must also declare it to be an asylum, so as to notify the public what place they have to look to either for detaining a lunatic or to ascertain where he has been detained, etc.

Therefore it is not enough for Government to establish an asylam. It must also be declared as such.

There is another object also. As I said it is not enough if an asylum alone is established so far as the private persons are concerned. It must be a mental hospital also. Under the provisions of the Bill any place may be declared to be an asylum.

DEPUTY PRESIDENT: Asylum as such connotes a place for treatment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, I thought of that matter but when I look into the definition of asylum for the purpose of the Lunacy Regulation I find that an asylum is an asylum for lunatics or a mental hospital for lunatics. An asylum for lunatics is a place of refuge so far as the lunatics are concerned. The object of that, Sir, is founded on the well-known principle that the State must take care of the lunatics. Some of them are dangerous and others are non-dangerous. Public interest requires that they should be taken care of by the State. But Government could not be compelled to give them medical treatment. So far as they are concerned all that Government are obliged to do is to give them an asylum or a place of refuge. It is therefore that this definition has been drafted as it is. Asylum is an asylum for lunatics or mental hospital for lunatics. In the case of private individuals it must be not only an asylum but also a mental hospital. Therefore I submit to the House that this amendment may be accepted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I have very great pleasure in seconding this amendment. Various objections have been pointed out very clearly by the mover of the amendment to the existing clause. But I know and I anticipate that the answer will be that Government will make enough room to safeguard these things and that they will make a declaration only under certain circumstances. By that every difficulty anticipated by the mover will be circumbrated. That may be one answer. It will be argued that we will have to put some trust on Government authority and that we will have to put some faith on Government so that we cannot imagine that Government will do anything wrong without taking proper care. But I wish to warn the House against such an argument, because now we are enacting these provisions and we should leave as little chances as possible to the tender mercies of the Government in the matter of making rules by the rule-making authorities. Executive authorities everywhere nullify the power of legislature. The legislature should take very great care not to give scope for the exercise of such power. So that we will be well-advised in making very definite and clear provisions. With these words I support the amendment.

DEPUTY PRESIDENT: In the case of institutions established by Government you are prepared to accept the rules framed by Government?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : In cases of institutions established by Government this House has the opportunity of supervising the work and calling the attention of Government for inadequecy of provisions and other defects. But it will be a far different thing with regard to institutions declared to be such by Government I think the whole implications of that have been very ably dealt with by Mr. Krishna Pillai and therefore I do not deal with them.

DEPUTY PRESIDENT : So that you think that there is a presumption of greater efficiency in Government institutions than in private institutions ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, there is. But that is not the point. I accept that because we have got greater opportunities of control over Government institutions. That is the reason on which I put it. And we cannot do away with these very necessary Government institutions.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I have very great pleasure to support the amendment and in doing so I would add one or two words. If under this Regulation we give power to Government for exercising their own discretion we will have the same experience as in the case of the aided schools which are run merely for the benefit of the private individuals without sufficient control of Government over them. So it is dangerous to accept this principle.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Sir, I wish to oppose the amendment. The amendment, if it is accepted, would read like this — "asylum means an asylum or mental hospital for lunatics established and declared to be such, by Our Government." With regard to the observations made by the seconder the question put from the Chair is the question that now comes up for consideration.

DEPUTY PRESIDENT : That question does not come in for consideration now.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Accidentally it strikes me as a very sensible question.

DEPUTY PRESIDENT : You must withdraw that. You should not say anything about the merit of the question. You may comment upon the iformation given by the member.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Then the question is whether the non-officials would have greater faith in institutions established by Government than in institutions declared to be such by the Government. The amendment, if accepted, would mean that there is greater justification in putting more faith on Governmental institutions than on institutions conducted by private individuals recognised by the Government. It is as well open to the Government to put up a building and then appoint somebody with inferior qualifications for supervision, medical aid, or something like that and then declare that it is an institution established by Government and as

such that institution ought to be accepted as the one which comes under the provisions of this Regulation. This House is competent to criticise the efficiency observed in regard to the staffing of institutions not only those established by Government but also those for which aid is given by them. Certainly there is absolutely no rule or law preventing any discussion on the floor of this House or of any other representative institution, and criticisms of institutions declared as asylums or mental hospitals in the same degree as Government institutions.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will this House be called upon to vote for the expenditure of private institutions?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Certainly upon the grant part of which goes in aid of private institutions.

DEPUTY PRESIDENT: The competency of this House is a matter of law, and therefore need not be dealt with.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): So, my own impression is that in the way in which we are competent to criticise the working of the Governmental institutions we can criticise institutions receiving any sort of assistance or help from the Government. Whether the Government contemplate giving grants either in the shape of money or not to institutions of the kind has not to be taken into consideration here. Therefore my submission is that even if this amendment is accepted we do not make very much improvement upon the spirit of the provisions contained in the Bill. The mover of the amendment referred to certain provisions in the British Indian Act and the circumstances under which Government can declare an asylum or an institution of that kind and he went on to say that he is not prepared to accept any provision investing the Government with such powers without the necessary safeguards. Anyway the licensing power is conferred on the Government and there is absolutely no safeguard respecting the discretion of the Government in the matter of issuing licenses.

DEPUTY PRESIDENT: I don't think that that was the argument of Mr. Krishna Pillai. What he said was that in British India it is obligatory on the part of the Government to provide certain sums towards those institutions. Here under this Bill there is no such thing. That is the position.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Even if it is so, the discretion of the Government is not fettered under the British Indian Act. In the place of that, here we have got section 63 (*b*) where it is declared —

"Our Government may make rules for any of the following purposes, *viz.*:—

(*b*) prescribe places of detention and regulate the care and treatment of persons detained and the removal of persons detained from one asylum to anothers

[Mr. E. V. Krishna Pillai.]

There is also the penalty clause contained in section 65. It is therefore a power which is conferred upon the Government which would be specified in detail in the rules that would be framed under the regulation. And there is also another body called into existence under the provisions of this Regulation to supervise the working of these institutions and to see whether they conform to the rules prescribed by Government, for, in section 22 we see the visitors being allowed the power of inspecting and seeing whether the conditions specified under the Regulation by Government in regard to the care and treatment of lunatics are conformed to by those in charge of the institution. Somehow or other we have to trust to the good sense of the Government in the matter of establishing an institution or in the matter of declaring a private institution as an asylum or mental hospital. That is a conclusion from which we cannot escape and, my submission is, even if this amendment is accepted that stares in the face and we are in no way better than we are under the provisions of this Regulation even if this amendment is accepted. In-as-much as there is no provision imposing upon the Government any stringent conditions under which only they could declare an institution or establish an institution for the sake of lunatics this amendment would not carry us far even if we accept this. Therefore I oppose it.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I support the amendment moved by Mr. Krishna Pillai. I too feel that the amendment is necessary because if the declaring power is vested in the Government it is likely that private agencies and other institutions may avail of these conditions to have a mental hospital or a lunatic asylum established and if that is allowed there is always the likelihood and without fulfilling truly all the conditions that are necessary for an up-to-date asylum, it may be abused as a kind of patronage or profit-making agency. Taking the other broad aspects also into consideration, we may require, at the most, only three or more lunatic asylums for the whole State in district centres and the Government can easily run these as departmental ones. If these three or four institutions are run in important centres by the State itself under the supervision of the Darbar Physician, it will be more conducive to the efficiency and this House will have greater control over its management at least once in a year during the budget discussion.

As Honourable members will be pleased to see, this piece of legislation has been brought before us by the Law Member after nearly 30 years. The existing Regulation itself was passed in 1080. In all advanced countries, especially in Europe up-to-date innovations are being made in the treatment of the unfortunate citizens such as idiots, lunatics and persons who are suffering from physical defects. If these institutions are run by the Government under the Medical Department, it will be easier to introduce new methods and thus keep in a line with similar institutions elsewhere.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): As it is, if a charitable concern comes forward and offers to establish an institution on the

model contemplated by the Government, is it the member's suggestion that permission should be refused?

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Sir, I have very little faith in the so-called charitable institutions that are being worked in our State now. If there are very decent charitable institutions there are very large spheres of useful work open to them than to confine their work in this particular field. Here it is a piece of legislation affecting the liberties of citizens and this power is given to Government. Every modern Government deems it a duty to take up this kind of legislation because the lunatics form a separate category among the citizens and because of imperfections or defects in their mental powers it is only fair that that treatment should be given and if proper treatment is given to them it is necessary that they should be under the Medical Department. That may be more conducive to efficiency and there will be lesser scope for the powers being abused.

DEPUTY PRESIDENT: Do you say that in civilized countries the Government themselves maintain those institutions?

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Of course in British India the power is given according to the Lunacy Bill of 1912 and subsequent amendment and enactment show that there is power vested in the Government *i. e.*, the power to issue licenses. But it will depend upon local conditions that are obtained in each country. Whereas in England and America where Local Self Government and adult education have advanced far we see this power vested more widely in Country Councils and other local bodies. In the absence of Taluk Boards or District Boards and other efficient machinery of Local Self-Government and considering the peculiar conditions that are obtained at present in our State I earnestly wish that the larger power of issuing licenses and of recognising voluntary institutions in this direction need not be encouraged by this House.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): In supporting the amendment, Sir, I am well aware that the matter is one which gives a good deal of apprehension. The question arises as to who is to declare a person a lunatic. Personally I would prefer to be called a lunatic by the Government than by any other agency and more so as the danger is great in the case of politicians. To political opponents we might appear lunatics and therefore we have got to be very careful when we deal with this matter and the questions that may arise in this way. (*laughter.*)

DEPUTY PRESIDENT: Then it must come to this; if political correspondence is carried on by anybody it must come under the Regulation. I mean this only as an observation.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): We cannot say when we ourselves might be sane (*laughter*) and lose our common sense. Sometimes at our most lucid intervals we may be accused of being insane. At any moment, as I submitted earlier, I would rather prefer that the Government would declare any person a lunatic than a private agency.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Is there any provision in the Bill for declaring a person a lunatic by any one other than the Government?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): In the Bill an asylum means an asylum or mental hospital for lunatics established, or declared to be such, by our Government. Therefore any house might be declared a lunatic asylum. As learned friends suggested the Government might declare a person a lunatic as also a body of persons. We have got to be very careful if at all we have got to enter into an asylum and there must be the necessary safeguards. The first thing is there must be control by Government and, as my learned friend Mr. Krishna Pillai pointed out, it must be granted only under a license given by the Government. That is an essential thing. Secondly as matters stand one cannot say whether there is such a huge demand for lunatic asylums in Travancore (*laughter*). I do not know whether our Governmnet institutions are overstocked. But as an Ex-Dewan himself pointed out our insane people are more cared for in Travancore in the Oolampara Hospital than even the sane people. Therefore at any rate till we find that we cannot accommodate all the lunatics, it will be better the whole thing is done under the patronage of Government. I would therefore support the amendment.

MR. K. R. ELENKATH (*Kalkulam I*): I also rise to support the amendment. The clause as it stands would provide facilities for the Government to shirk responsibility on their part of affording protection and care to the lunatics for the interest of whom the Bill is intented. We find that the object of this Regulation is mainly to provide for the proper safe-guard and care of the lunatics. Even a near relative, it is feared, would be cruel to his lunatc friend. He is therefore assured to be sent up to the lunatic asylum. Imagine with what interest a private agency which runs an institution would look to the needs of these men. There is no doubt that a relation of the lunatic will have greater interest for the safety and well-being of his relative than any of the so-called charitable institutions as we find in the State. This is the main ground on which I support the amendment. We must not give the Government every facility to shirk all their responsibilities and give room not to do their mite to the poor deserving people for whose welfare we are passing this Regulation. With reference to private institutions of the kind we already have, I cannot but observe that we do not find disinterested selfless work on their part for the welfare of the patients who are under their care. This Regulation may help the origin, and growth of private institutions in the direction. It may then be necessary for the Government to provide for big grants for the upkeep of such institutions. That means Government will have a heavy burden while at the same time neither the poor nor the people through their representative institutions will have any responsibility over such institutions. For these reasons I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. It will be seen that the purpose

of the clause sought to be amended is to vest in Government a power to declare any institution an asylum or mental hospital for the purposes of this Regulation. The chief ground on which it is opposed, at any rate one of the grounds, is that in the corresponding British Indian Act the provision is that licenses may be issued authorising the establishment of asylums whereas we have not got such a provision and that there the licenses will be given only under conditions. My point is that the provision in our Bill is much better than the system of issuing licenses under conditions provided for in the British Indian Enactment, because, under the British Indian Act, *any* person who has satisfied the conditions laid down can claim the license from Government as a matter of right. On the other-hand, under the provision in the present Bill, the discretion of Government is wide and unfettered, and may be made to suit the exigencies of the situation. It would be open to Government, for instance, to insist on further conditions being satisfied besides the conditions laid down in the British Indian Act, before they grant a declaration. It is not possible now to anticipate all the conditions that may have to be insisted upon before a declaration is granted. When perhaps years hence, a private body comes forward with the idea of starting an asylum, we have to consider all aspects then. It is with a view to empower the Government to exercise greater control over private charitable asylums than in British India that the present provision in the Bill has been made.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I ask whether there is any provision in the Bill to the effect that the Government shall insist at least on the few conditions provided for in the British Indian Act, being fulfilled before they grant a declaration?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. But I have certainly no objection to consider an amendment which provides for some such conditions. There is no such amendment now before the House. If the present amendment is carried, no private institution can at *any time* come forward and start an asylum.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Should there not be a statutory obligation on the part of Government to insist on certain conditions before they grant a declaration?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a matter of opinion. I do not myself think such a statutory obligation is quite necessary or useful. As I stated, if there is statutory obligation like that, Government would be under an obligation to issue a declaration in all cases in which the conditions prescribed in the enactment are fulfilled. I do not want the Government to be placed under such an obligation. I want the Government to have unfettered discretion in the matter. Even if the conditions similar to those laid down in British India are fulfilled, Government must have power to refuse to grant the declaration or to insist on other conditions if they con-

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sider it necessary. It all depends on the circumstances at the time that they have to grant the declaration. I do not believe that it will be possible now to anticipate all the conditions that may have to be fulfilled in the various cases as they arise from time to time.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In that case, where is the difficulty in making a provision enabling the Government to frame rules imposing additional conditions, if they consider it necessary, besides the conditions laid down in the statute?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is none. But, unfortunately, there is no such amendment now before the House. If Mr. Krishna Pillai had stated that the declaration should be given only under certain conditions, I can understand that and perhaps I could accept it. But what he wants is that the provision should be taken away entirely making it impossible for private institutions or local bodies to come forward, at any time, and start asylums. That is my objection to the amendment. Unless it is the view of the House that no asylum should be established except by the Government, there is no justification for passing the amendment now before the House. I do not think the House will consider it wise to saddle the Government with the sole obligation to maintain all the asylums in the State.

It was suggested, Sir, that Government may act arbitrarily in granting the declaration. I may point out that, like every other action of Government, this also will be subject to the control of this House to the extent allowed by the statute. For instance, if the House considers that the Government have arbitrarily or wrongly issued a declaration, it is open to them, when the appropriate budget demand is made in this House, say under the Medical Department, to carry a token motion censuring the action of Government. There is therefore no ground for the apprehension that the Government may act arbitrarily.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether, under this Bill, the policy of Government is to encourage private asylums or hospitals?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is not exactly a question of *encouraging* private institutions. If private institutions come forward, Government will allow them to run such institutions subject to conditions which the Government may consider necessary from time to time.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): What are those conditions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As and when applications are received, Government will consider what conditions they must impose. As a matter of fact, the conditions may vary in each case. They may also depend upon the times. If the Government receive an application, say ten years hence, we cannot anticipate now the conditions that may have to be imposed.

It may depend on the circumstances that obtain then. I want the Government to be given full discretion in the matter.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is there anything at present to prevent private institutions from starting and running asylums?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If this Bill is passed, as it is private asylums cannot be established without a declaration from Government.

As I was submitting, Sir, once we take away this provision of the Bill, as proposed now by Mr. Krishna Pillai, no private institution can ever think of coming forward to start an asylum.

MR. M SIVATANU PILLAI (*Tovala*): May I ask how the member reconciles the present provision with similar provisions that were read by Mr. Pnthupalli Krishna Pillai?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): One of the conditions laid down in the statute is that no person can come forward..........................

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Under the provision in the British Indian Enactment, is there any obligation on the part of Government to declare an institution an asylum the moment the conditions are satisfied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). If Government refuse to issue the license after the conditions are satisfied, the private body may perhaps even sue the Government and make them issue a license.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it stated that Government *shall* issue the license if the conditions are satisfied?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Once certain conditions are laid down for the issue of a license the idea is that the license shall be granted. Even if it is not legally enforceable through a court there is an obligation to grant the license.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to take it that, because conditions are laid down, Government are bound to issue the license?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Surely there must, at least, be a moral oblication to grant the license. I draw a distinction between *license* and *declaration*. If it is a license to be issued under certain conditions, according to me, Government are bound to issue the license on such conditions being fulfilled. But, on the other hand, if it is a declaration it is entirely left to Government to grant it or not irrespective of the conditions that may or may not have been fulfilled. Apart from that, the more important reason is this. The Legislature may now think of condi-

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tions *a*, *b* and *c*, for instance. Years hence, when actually an application is made to Government for a declaration, condition *d*, may turn out to be necessary at the time. That is why I want the discretion to be left entirely in the hands of Government.

MR. M, SIVATANU PILLAI (*Tovala*): Is it not better to give an idea of the conditions beforehand so that people may know where they are?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is a matter of opinion as to whether it is better to leave it to Government to impose conditions as they deem necessary in the circumstances at the time applications are made to them, or to anticipate and impose uniform conditions for all cases alike for all time to come.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): If private agencies are likely te come up only years hence, why not we be satisfied till then with Government institutions alone?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) It the present amendment is carried, no private agency can at any time think of coming forward to start an asylum until and unless this provision is amended by another enactment. That is why I have made permissive provision in the Bill giving the Government full discretion in the matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Why should we make a law when there is no necessity for it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is a necessity; because if this Bill becomes law private bodies may freely come forward, start these charitable institutions and do good to the people and also give relief to Government. If there is no provision for it, nobody can come forward, unless he first gets the law amended.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the member really expects private institutions to come forward for starting these asylums?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Yes, I do expect; there are charitable men everywhere.

MR. M SIVATANU PILLAI (*Tovala*): Will it not be more advantageous if such charitable men are let known beforehand the conditions that they may have to satisfy in order to start such institutions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have already stated that, if specific conditions are now laid down, it would be open to the private body concerned to insist on being allowed to start asylums on satisfying those conditions alone.

MR. M. SIVATANU PILLAI (*Tovala*) Is there any provision in the Bil in regard to contribution by Government towards these institutions?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The terms of each declaration will provide for that.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Suppose a lunatic wants to start an asylum. Where is the safeguard against such a contingency? (*Laughter.*)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the member is serious in asking that question, I may at once say that that is an impossibility.

DEPUTY PRESIDENT: Will Mr. Chidambaram Pillai please oblige the Chair by repeating his question?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Is there anything in the Bill to safeguard against the danger of a lunatic starting a lunatic asylum?

DEPUTY PRESIDENT: The Law Member has already indicated that he does not consider it a serious question.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I submit, Sir, that the present provision in the Bill is much more advantageous in public interests than the amendment proposed. My friend Mr. Krishna Pillai suggested that, once a declaration is granted, even the Government have no power to cancel it if it becomes necessary to do so, because there is no provision for it. But there is no such amendment now before the House. But I can assure the House that, if that is all the objection, I can bring forward an amendment at the third reading of the Bill expressly providing for the cancellation of a declaration, if and when it becomes necessary to do so.

Objection was also taken to the provision in regard to the control by non-official visitors to declared institutions. There also, there is no amendment before the House and the amendment does not relate to it.

As I stated at the outset, Sir, if an amendment had been proposed laying down certain conditions under which the declaration had to be granted by Government, I could have gladly accepted it with an addition "*and others as the Government deem it necessary*". But unfortunately there is no such amendment before the House. If the amendment now before the House is carried, the effect will be, as I have more than once pointed out, that no charitable institution can at any time come forward to start an asylum. That is not at all desirable in the interests of the public. I therefore oppose the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am extremely sorry, Sir, that the learned Law Member has not correctly understood my position. In the absence of adequate safeguards, this extraordinary and extensive power of making declarations ought not to be conferred upon Government that is my position.

If the learned Law Member had followed the British Indian Act faithfully, I would have had no objection. Sir, another Law Member in introducing a similar Bill in this Legislature stated as follows:—

"There are Lunacy Laws in every civilised State, in some form or other. A systematic control of the lunatics and their estates is exercised by every civilised State under legal process, and there are in England and in British India several Statutes and Acts prescribing the procedure to be adopted in such cases".

It is no doubt the right of the State to take such steps as they deem fit for the protection of the estate and the person of the lunatic. When this right is put on a statutory basis, we are entitled to treat it as a part of the duty of the State and require safeguards for the due discharge of those duties. The primary responsibility is that of Government. If Government want the help of private agencies for fulfilling their obligations towards the subjects of the State, they shall do so only under restricted conditions. All the seventy and odd sections in this Bill are restrictive of the powers of Government in their direct conduct towards the lunatics. It does not appear why Government want unrestricted power to administer the affairs of the lunatics when such administration is to be carried out through private agencies.

Various arguments are advanced by the learned Law Member why this amendment should not be allowed.

In the first place the British Indian Enactment enables the British Government to call into aid their private institutions for effectively carrying out the provisions of the Act. Government may require the help of private agencies, and if there is no enabling provision, as would happen if the amendment is allowed, Government may find it difficult to take care of all the lunatics of the State. It will also have a tendency to prevent private institutions from coming into existence. These may no doubt be true, but an unrestricted sprouting up of private institutions and an unrestricted inclination on the part of Government to enlist private help are both harmful to the State. The disadvantages resulting from such a course far outweigh the possible advantages and conveniences An unrestricted power is liable to be abused and when once abused, it leaves us without a remedy. This is a Government Bill and it asks for a certain power to Government, but the Bill itself does not guarantee that the power will not be abused. The question involved in this amendment is only whether we vote for this tall order. My answer is that we shall not. Another argument advanced by the Law Member is that under the British Indian system the licensing power reserved with Government is a power which can be compelled to be exercised in favour of a private institution that satisfies the conditions and even goes to the extent of saying that Government will be liable for damages if license is not issued to any such institution. I am simply surprised at this statement. It is a power given to Government to permit private institutions to take in lunatics. It is not a power given to private institutions to claim licenses. It is a power which Government *may* exercise and not a power which it is said it *shall* exercise in favour of any institution. It is only a *license*, which expression implies in law, only *leave, option*. It is again a license which is

liable to be revoked under certain circumstances. The Law Member's argument would be right if he said that a license once granted could not be arbitrarily revoked. That is different from saying that a license shall be granted. Still more surprising is the Law Member's argument that the provision for a declaration is more efficacious than a provision for the issue of a license. He further says that the greatest advantage is to be derived by the fact that this power of declaration is unfettered by any condition. He wants us to have implicit faith in the wisdom and good sense of Government. If conditions are laid down now, he says, those conditions will not suit the conditions available or proper, say, twenty years hence. All that I can say by way of reply is that it would be proper if we are legislating for eternity. If that is the way in which legislative enactments have to be passed, then there will be no room for amending Bills. There will be no need for future legislators. Only one clause Bills shall be introduced, with pre amble "That whereas we have implicit faith in the wisdom of Government. We enact that Government shall do what they want, say, (1) In the case of lunatics (2) In the case of District Municipalities (3) In the case of City Municipalities etc.etc." If this is the sort of provision that the Law Member has made, we must emphatically protest against it. Even in matters where Government conduct is well regulated by rules, I can quote hundreds of instances in which Government have committed palpable errors. What was considered by Government to be proper in 1108 is seriously declared to be wrong by the same Government in 1109. Yet the Law Member wants us to believe in the myth of the infallibility of Government wisdom. Sir, in reply to my contention that this express provision empowering Government to make a declaration must be accompanied by an express power to cancel that declaration under proper conditions, the Law Member says that the idea is good and sensible, but that I should have brought forward an amendment to that effect. It is not the duty of any member of this House to bring forward an amendment on lines most suiting the Law Member's convenience. He has made a provision in the Bill which I have shown to be absurd and improper. If the Law Member wants to retain that provision, he may bring forward such amendments as would make the existing provision sensible and proper. Until that is done, my amendment will be only to delete the offending provision in the Bill. The only result of the amendment is that a bad provision will be removed.

The argument of the Law Member in favour of private enterprise is equally unconvincing. This House has not yet been convinced that any private institution is a loser by the non-existence of this provision. It is for the safety of private individuals that they should know previously and definitely what they should do before they can induce Government or hope to induce Government to make a declaration under this statute. Otherwise there is a risk of much private money being wasted. These private individuals must be enabled to utilize their money for purposes beneficial to the public. The good name of

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Government will also be maintained unimpaired. There will be no difficulty in bringing in an amending Bill when we are convinced that a real necessity has arisen.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the member that if the provisions in the British Indian Act are incorporated in the draft Bill, he will have no objection?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As matters now stand, of course, that is only an hypothetical question. The Law Member himself is unwilling to do that. It would have been well if he had promised that. As matters now stand, Government alone should have the power to establish lunatic asylums. Private individuals should not be given the power to start lunatic asylums. It was said by the Honourable member, Mr. E. V. Krishna Pillai, that charitable institutions should come forward to do these things. Here it is not a matter of charity that we are at. Here we are dealing with matters relating to a separate class of people who are physically human beings, but mentally not so. What are the best provisions that we have to make in order that this class of persons may be best protected. Charitable institutions need not be fostered at the expense of lunatics. Let us permit both charity and lunacy to live in company with sanity.

DEPUTY PRESIDENT: Before putting the amendment to the vote of the House I wish to make a point clear. The discussion was lively, the speeches were long and the wealth of argument was prodigious. We have covered a very extensive tract of ground from the pride of citizen-ship to the efficiency of internal management of lunatic asylums. So that to enable the House to have a clear perception of the point, I wish to state that the position contended for by Mr. S. Krishna Pillai is that for the word 'or' in clause 2, sub-clause 1, line 1, the word 'and' should be substituted. He said in the course of the argument that the rights of individuals are very sacred. I would therefore refer to clause 3 which says that no person other than a criminal lunatic etc., shall be received or detained in any asylum except under a reception order. The point which has been pressed upon the attention of the House by Mr. Krishna Pillai relates only to the efficiency of the institution into which these lunatics so found are taken. There are two sets of institutions contemplated, those established and declared to be such by Government and those established by private agency but declared to be such by Government.

Now I put the amendment to vote.

The amendment was put to the vote of the House and carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I demand a poll.

A poll was taken and the House divided as follows:—

AYES - 31.

1 Mr. V. T. Chacko
2 ,, P Chidambaram Pillai
3 ,, A. S. Damodaran Asan
4 ,, K. R. Elenkath
5 ,, S. J. Nair
6 ,, T. S. Jayanthan Nambootiri
7 ,, Mr K. P. Krishna Menon
8 ,, Pottayil S. Krishna Panickar
9 ,, N. K. Krishna Pillai
10 ,, Puthupalli S. Krishna Pillai
11 ,, K. Kunjukrishna Pillai
12 ,, M. K. Madhavan Pillai
13 ,, M. N. Nair
14 ,, P. C. Narayanan Bhattatiripad
15 ,, K. A. Narayana Pillai
16 Mr. Pacode A. Narayana Pillai
17 ,, P. K. Narayana Pillai
18 Srimathi T. Narayani Amma
19 Mr. S. Nilakanta Pillai
20 ,, K. Padmanabhan
21 ,, Edavanatt S. Padmanabha Menon
22 Rao Sahib S. Paramesvara Aiyar
23 Mr. Changanachery K. Paramesvaran Pillai
24 ,, V. Ramakrishna Panickar
25 ,, R. Sambasiva Aiyar
26 ,, K. Sankaran
27 ,, M. Sivatanu Pillai
28 ,, A. Thanu Pillai
29 ,, S. Thiraviam Nadar
30 ,, V. K. Velappan Nair
31 ,, T. P. Velayudhan Pillai

NOES—30.

1 Mr. N. Abdur Rahiman Sahib
2 ,, K. C. Abraham
3 ,, T. K. Alexander
4 ,, S. Chattanatha Karayalar
5 ,, A. Easwara Pillai (*Kottarakara*
6 ,, John Whitely Tolson
7 ,, Antony George
8 ,, James Simpson
9 ,, M. Mahomed Haneef
10 ,, M. K. Janardana Kamath
11 ,, N. John Joseph
12 ,, T. C. Joseph
13 ,, K. C. Karunakaran
14 ,, T. T. Kesavan Sastri
15 ,, K. M. Krishnan
16 ,, E. V. Krishna Pillai
17 Mr. T. Krishna Pillai
18 Rao Sahib Dr. N. Kunjan Pillai
19 Mr. E. K. Kunjuraman
20 ,, K. Madhavan
21 ,, K. Mahomed
22 ,, G. Nilakantan
23 ,, R. Nilakanta Pillai
24 ,, N. K. Padmanabha Pillai
25 ,, Kayalam Paramesvaran Pillai
26 Rao Bahadur N. Ramanuja Aiyangar
27 Mr. R. M. Statham
28 ,, T. C. Thommen
29 ,, G. B. E. Truscott
30 ,, N. E. Varughese

NEUTRALS—2.

1 Mr. A. Easwara Pillai (*Kalkulam II*)
2 Mr. P. K. Thomas

The amendment was declared carried.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to move the following amendment :—

Substitute the following for sub-clause (8):

"Medical practitioner means holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners and includes any person holding a degree confered in accordance with the provisions of the Medical Degree Act (Act VII of 1916) of the Imperial Acts of India".

Sir, in this amendment I have in view the extremely unsatisfactory nature of the definition as it stands. On a careful study of the definitions contained in analogous legislative enactments, I find that the definition of the expression 'medical practitioner' found in the corresponding British Indian Legislation (Act IV of 1912) is more clear and lucid. The first portion of the definition contained in my amendment is a copy of the definition contained in the British Act. The remaining portion is introduced in order that the definition contained in our Bill may be made more clear and specific. The principle accepted by Indian Medical Degrees Act is that a medical practitioner for purposes of the Act shall be only a person who practises western medicine as distinguished from the holder of a degree that may be granted by the Indian Universities in Unani, Homœopathy or Ayurveda. It was to bring to the notice of the House whether these systems of medicine have developed so far as to obtain statutory recognition and whether those who practice Unani, Homoeopathy or Ayurveda should be considered to be efficient to give a medical certificate under the Regulation. The importance of a medical certificate under the Lunacy Regulation is that the court in the first instance is entitled to accept the certificate in its entirety and act upon it forthwith and pass a reception order directing the detention of the alleged lunatic. This is enacted for the sake of expediency and the avoidance of delay. No doubt there is provision in the Bill for the court to call for further evidence. But if the certificate is not issued by a competent person, accepted by the world as one competent to issue the same, it will lead to serious consequences and frustrate in very many cases the object of the Legislature.

DEPUTY PRESIDENT: You will be facilitating discussion by reading that particular clause in the Act VII of 1916. You refer to that and that may be read: that is the provision of the Medical Degree Act VII of 1916.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, Sir. "This Act may be called the Indian Medical Degree Act. In this Act western medical science means the western methods of Allopathic medicine obstetrics and surgery but does not include the Homœopathic, Allopathic or Unani system of medicine". The next section deals with the Universities which are authorised to grant degrees, diplomas, etc. Coming to the definition of the expression 'medical practitioner' found in the British Indian Lunacy Act we have the following:—

"Medical practitioner means a holder of a qualification to practise medicine and surgery which can be registered in the United Kingdom in accordance with the law for the time being in force for the registration of medical practitioners."

It is well known that in the United Kingdom, the Royal College of Surgeons who, under Act of Parliament, exercise the right of recognising and registering the names of medical practitioners, recognise any system other than the western medical science.

Under that statute no other person will be entitled to secure a qualification. Then we come to the next portion of the definition "any person declared by general or special order of Our Government to be a medical practitioner for the purposes of this Regulation". That portion, Sir, gives the Government a power to declare any person as a medical practitioner for purposes of this Regulation. It gives the Government that sound discretion in making a choice and declaring him as medical practitioner even though he is not entitled under the former section to practise in the United Kingdom. It is left to the discretion of the Government either to recognise or not to recognise. Let us look into the definition as it stands now. The definition found in the British Indian Enactment will be inadequate for certain purposes. Now under the existing circumstances a man of the Bombay University is not entitled to practise in England. Therefore it is that I added "that every person who holds a degree conferred in accordance with the provisions of the Medical Degree Act of British India" shall be a medical practitioner. Here the medical practitioner means a holder of the degree of Doctor, Bachelor or Licentiate of medicine and surgery of any of the British or Indian Universities. We let alone the British Universities. They will confer only degrees recognised in England. But what about the Indian Universities granting Ayurveda, Homoeopathy, Naturopathy and Unani degrees. If a person comes forward and says that he is the holder of a degree conferred upon him by any of the Indian Universities he shall be a medical practitioner for this purpose.

DEPUTY PRESIDENT: Not a person who says, but a person who holds a degree.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, I know several persons who hold degrees conferred upon them by some of the Indian Universities.

DDPUTY PRESIDENT: Does not the member know that a University can be brought into existence only by an Act of Government?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, I can very well understand the position. If a University comes into being under the Act of the Governor-General in Council for issuing certificates under the Unani system of treatment and if the holder of such a certificate comes forward, are not the Government under the provisions, as they now stand, bound to authorise him to issue certificates? If any body says that the certificate issued by such a person shall be rejected that person, under law, can be sued for slander. The Act of 1916 recognises the medical colleges of Madras, Bombay and Calcutta.

DEPUTY PRESIDENT: So, in other words, you do not want the Unani, Ayurveda, Chindarmani or any other such system of medicine?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The statutes should not be so framed as to enable those peresons to come in and claim authority to issue a certificate. Let us therefore be clear on this point. I am certain that in accordance with the law prevailing in London a certificate filed by any other person will not be accepted as legal. As legal practitioners we come across numerous instances of bad medical certificates issued by various classes of persons. There is a sanctity attached to medical certificates issued under a statute. It must therefore be issued only by the most competent person who has a high degree of recognised skill. I want to bring to the notice of the House the difficulty arising from the definition as given in the Bill. All that I have to say is that it will not be consistent with the spirit of the Bill. I would therefore suggest this amendment. If the definition, as it stands, in the British Indian Enactment, was copied with the necessary amendments I would not have found any objection.

There is another and a more serious difficulty that is not contemplated in the British Indian Enactment. 'Medical practitioners' means the holders of the degree of Doctor, etc. Now under this definition it is enough if one is only the *holder* of a degree. Now, Sir, if I happened to have qualified myself for M. B. B. S. and then practised law and to take care not to miss my M. B. B. S. certificate, am I not still the *holder* of the certificate? I may not be a person who has ever practised medicine or surgery. Still I am the holder of the certificate. Would the law be satisfied with a certificate issued by the holder of such a certificate? We have several persons who have qualified themselves in surgery but who have never practised. Are we satisfied with the holder of such a certificate?

DEPUTY PRESIDENT: Lord Macaulay was a Lawyer, but he did never practise in the courts.

MR. PUTHUPPALLI S. KRISHNA PILLAI (*Quilon II*): There are M. B. B. S. certificate holders who have never opened even a boil.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether that objection can be remedied by this amendment?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In the United Kingdom a person who qualifies himself to practise medicine and surgery is immediately recognised as a practising medical practitioner. His name is entered in a register kept for the purpose. If he does not practise medicine, he is bound to intimate the same to the authorities when his name will be struck off. In order that he may again practise, he will have to undergo another examination or test.

DEPUTY PRESIDENT: So you would like to have even an improvement of the British Indian Act?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Excuse me, Sir, it is a pardonable ambition. My amendment stands like this.

DEPUTY PRESIDENT: We are concerned with the amendment as it stands.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am not still helpless. Form 3 in the statute enjoins the person who issues the certificate to make a declaration that he is a practising medical man. That provision was made in order that the difficulty that I suggested may be avoided. If you will not allow any alteration in the amendment as it has been printed, I shall rest satisfied with the provision in the form, for I am convinced that no person will undertake all the risk involved in making a false declaration. The definition should be so framed that no person who is not properly qualified shall be entitled to issue a medical certificate. With these words I bring this amendment for the acceptance of the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Although I cannot accept the amendment in the form proposed and although I do not think that, as a matter of fact, any practical difficulty will arise in the application of the definition, in the Bill, now that the point has been raised by Mr. Krishna Pillai I think I must admit that his contention that this definition may perhaps include a Unani or a Homoeopathic practitioner is not quite baseless. I do not however like to accept the amendment as proposed by Mr. Krishna Pillai because that will have the effect of our hanging on always to the British Indian Act. As Mr. Thanu Pillai suggested supposing the British Indian Act is amended in conformity with their convenience and needs and if they bring in as medical practitioners men whom we are not prepared to accept, what will be our position? It will therefore neither be a wise step to hang on to enactments of other places in this manner nor is it necessary for us to do so. It is better for us to be independent and stick to our definition making it suitable to our requirements. This argument applies to the English Registration Procedure in England. They may change having regard to their conditions. We cannot therefore stick on to that too. We must make a position for ourselves. Further there are many qualified practitioners in Travancore to-day who are not perhaps qualified to get registration in England and perhaps who do not hold a degree from any of the recognised Universities. I mean the Indian Universities according to Indian Medical Degrees Act. In view of all these I am prepared to accept the spirit of the amendment with some modification to the following effect:—

"Medical practitioner means a holder of the degree of Doctor, bachelor, or Licentiate of Medicine and Surgery of any of the British or Indian Universities recognised by Our Government or any person recognised by our Government to be a medical practitioner for purposes of this Regulation."

So that, the Government must have the power to recognise or not to recognise Some such idea may be given effect to. It is not quite expedient that we should hang on to the procedure in British India or England.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether he is prepared to drop the final portion of the definition, *viz.*,

"Any person declared by general or special order..................this Regulation?"

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir. There are many practitioners here in Travancore who, though not possessing any University qualification, are yet competent doctors. They cannot be included statutorily Again, a practitioner may, for instance be a graduate of the French or Austrian University. Travancore Government may not accept such degrees as a matter of course, but there must be provision to recognise them.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Without any University qualifications is it not open to Government to make a man competent for issuing certificates ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Yes. As I said, there are very efficient practitioners in Travancore who do not hold a University degree and who are yet quite competent.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Probably you are speaking of American doctors.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There are also local doctors. I do not want to exclude them by means of a statutory declaration from competency to give a certificate.

DEPUTY PRESIDENT: According to the Law Member one of the Ashtavaidyans can be recognised by Government as competent to issue a certificate.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Even if he is a man who does not hold any University degree Government must have power to recognise such a man as competent to issue a certificate.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Where is the advantage to exclude efficient Unani or Homoeopathic Vaidyans and allowing them at the same time to issue certificates under Government recognition ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): When a power is conferred on Government it is expected that Government will not abuse that power. If it is considered that the Government will abuse that power some precautionary provision may be made for it.

MR. K. R. ELENKATH (*Kalkulam I*): Why not we add in the latter part of the definition the words "and in the absence of.................." ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If the idea is that Government should make the declaration only if there be no such person holding the degree, then Government will not be in a position to bring in the local doctors. If the House thinks that the Government will go out of the way and abuse their

power, then it is perfectly open to the House to delete the provision. To me it appears there is no reason to be apprehensive of Government. There are very efficient doctors who do not hold any University degree and who are qualified to issue a certificate for purposes of this Regulation. It is only right that some power is left under the Regulation to enable the Government to declare even persons who do not hold any degree to be competent to issue certificates. Therefore I am not agreeable to the latter portion of the definition being deleted. I am prepared to concede with regard to the first portion that the definition may perhaps include a Unani expert, a Homoeo expert and so on. As I said, I am prepared to add "......any of the British Indian Universities recognised by Government for purposes of this Regulation."

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what prevents Government from recognising even otherwise?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Nothing.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is why I say it is open to Government to recognise such. My aim is to prevent that by putting a provision.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): By all means do it, if that be of real purpose.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Is there any University to confer Homoeo degrees or Unani degrees?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No. Not that I can think of. At any rate not in the British Empire.

MR. A THANU PILLAI (*Trivandrum-Rural*): May I know which is that clause that is contemplating to exclude Ayurvedic physicians; or is it that Government may declare an Ayurvedic physician to be a medical practitioner for purpose of the Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is no such clause. If the House thinks that they should be statutorily excluded, by all means make provision for it. To me it seems that some power should be left with Government to recognise efficient persons though they did not possess any degree at all.

DEPUTY PRESIDENT: I have some doubts to be cleared. Because I am occupying the Chair it does not mean, I must suppress ideas which I consider important. This House is granting money for the maintenance of the Ayurvedic Department. Ayurvedic physicians are allowed to treat patients suffering from very serious diseases, fatal diseases, sometimes. And the Ayurvedic system recognises that there is a disease known as lunacy. When this House is expending money on the maintenance of institutions in order to train people to practise medicine, I wish the Law Member to consider that aspect in considering this question.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I, for my part, do not want to exclude the Ayurvedic doctors statutorily. They may be quite competent to certify a person to be a lunatic.

DEPUTY PRESIDENT: Anybody else wishes to speak?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Anyhow since Mr. Parameswaran Pillai says he would reconsider the definition, it is not now necessary to discuss the matter any further. The need for reconsideration is admitted by Mr. Parameswaran Pillai. Mr. Parameswaran Pillai himself may, therefore, reconsider the definition and submit another definition for the consideration of the House. Though I agree with Mr. Krishna Pillai in thinking that the definition, as it stands in the proposed clause, is not quite satisfactory, I am not satisfied with the definition proposed by him. Therefore, if Mr. Parameswaran Pillai will undertake to consider the definition and amend the definition, as it stands, I think we may consider it at another stage of the Bill.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Is it a change in the substance that the member suggests?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Not exactly a thorough change in substance. The amendment proposed is dependent upon the British Indian Statute. For our guidance I do not want borrowed light like that. At the same time the very wide discretion now vested by the clause in question, in the Government, for declaring any one a lunatic by means of any medical agency, requires some de-limitation. Therefore both ways the definition needs pruning. The Unani and Homoeopathy systems of medicine may be left out of consideration as these systems are not recognised in Travancore.

MR. A. THANU PILLAI (*Trivandrum—Rural*): What is the member's opinion to make a distinction in the case of an Ayurveda physician?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): He need not be excluded. He is treating mental diseases and the Ayurvedic system of treatment has proved successful in several instances.

RAO SAHIB ULLOOR S. PARAMESVARA AIYAR (*Nominated*): Is the member aware that the title of "Vaidya Siromani" is conferred upon some of them in view of their proficiency?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I know there are eminent medical practitioners in the Ayurveda field.

Then, in view of the necessity of certifying as to lunacy, it may not be possible to get down a man from England to certify to a case of lunacy that may occur in a village part in Travancore. I have no objection to eminent medical practitioners in the Ayurveda system being authorised to certify to lunacy. A comprehensive definition eliminating quacks from its scope is necessary. Since this is admitted by Mr. Parameswaran Pillai himself, I think, a reconsideration of it is worth while before we come to the close of the Bill. Some of us may also think of a happier definition of "medical practitioner" this evening when we go home by referring to authorities and the matter may be considered to-morrow. Now we may leave this matter as it stands

without voting and proceed to the other amendments proposed. That is, what I think, the proper way of dealing with the matter.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I wish to make a few observations in regard to the amendment moved by the Honourable member. In Travancore there is no legislative enactment defining the term medical practitioner, as there is in British India. In British India there is the Medical Practitioner's Act. What standard of efficiency is to be possessed by the medical practitioner is laid down there. Sir, in different countries different standards of efficiency have been laid down by suitable legislative enactments. If only we have in Travancore a Regulation prescribing the minimum qualifications necessary for a medical practitioner, all the defects pointed out by the Honourable members may be easily avoided. So, what I would suggest is that the definition in sub clause (8) may be amended like this:

"A medical practitioner means a holder of a degree of Doctor, Bachelor or Licentiate of Medicne and Surgery of any British or Indian Universities and includes any person declared as such by any law for the time being in force in Travancore".

It being understood of course that a suitable measure will be before this House for declaring a person a medical practitioner.

DEPUTY PRESIDENT: That is, in view of a possible legislation you want to sanction this clause?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): That is not stated here. It has to be understood that ere long a suitable measure will have to be passed by our Legislature defining the term "Medical Practitioner".

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Have we to make all these considerations in considering this amendment?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Certainly, all those considerations which we have to make in passing a fresh enactment have to be considered now that we have to pass the amendment here. That is wrong in principle. That requires a separate enactment altogether. That requires great deliberation, greater attention. All that cannot be done when we consider this small amendment to sub-clause (8).

DEPUTY PRESIDENT: So you wish to have the definition as it is?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Yes, Sir, as it is.

MR. JAMES SIMPSON (*Darbar Physician*): Sir, there is one point which the member perhaps, has not pointed out. It is the fact that the preceding clause to clause 8, namely clause 7, defines who a medical officer in the State is. There are in the State, persons who do not possess degrees in western medicine and who, at the same time are medical practitioners. It is therefore desirable that the qualifications of the medical officer, authoritised to issue a certificate, should be specifically laid down. Therefore, I think I agree with my friend on the opposite side that we should leave this to the Law Member to get a more comprehensive definition.

Then there is the question of including practitioners in the Ayurveda system of treatment or any other native medicine in the term

[Mr. James Simpson.]

"Medical Practitioners". I do not say they are not successful in the treatment of mental diseases or that we are better than they. I do not say we are. But it must be granted, and I am entitled to say, that there is no method by which the standard of efficiency in eastern medicine can be tested. And I will suggest that the only standard we can go by, is a degree in western medicine. Ayurveda practitioners and Homoeopathic Doctors are given only certificates without being trained in the treatment of mental disease. But, on the other hand, we are not. Therefore, as the Law Member suggested, the term 'western medicine' should be interpellated in this definition.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the Darbar Physician whether he is quite sure that there is no proper medicine in the Ayurveda system to cure mental disease?

MR. JAMES SIMPSON (*Darbar Physician*): I am not suggesting so much. I am suggesting that every Western degree-holder has a higher training in mental disease than an Ayurveda practitioner. Then again Sir, there are medical practitioners who do not hold any degree. They have been trained at Neyyoor and Nagercoil and even in the Trivandrum General Hospital some 25 years ago. They are also called medical officers. There are also many medical men of such standing who practise in Travancore. Are they to be recognised or not? If a person is entitled to be called a medical officer, he is equally entitled to be called a medical practitioner. I, therefore suggest that Government must have some say on the point. Something should be left to Government on that point alone. I think that is all I have to say.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If this matter would stand, as the House would decide, we may proceed to the other amendments.

DEPUTY PRESIDENT: Is the House of that opinion, that is, this definition may be considered to-morrow and in the meanwhile we may consider other clauses? Is that the view of the House?

The House agreed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That means that they must give some notice of amendment tomorrow at least by 11 O'clock.

DEPUTY PRESIDENT: As a special case, it would be enough if notice of amendment is delivered to the Secretary to-morrow before 11'O' clock.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Notice of amendment on what?

DEPUTY PRESIDENT: If the amendment proposed by the Law Member is not conclusive, the others may send in their amendments which may come up for discussion on this question.

MR. K. R. ELENKATH (*Kalkulam I*): Does it refer only to this particular clause?

DEPUTY PRESIDENT: Yes, to sub-clause (8) *viz.*, the definition of Medical Practitioner'.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Am I to exercise my right of reply now or to-morrow?

DEPUTY PRESIDENT: I thought it was self-evident. If the whole thing is to be considered to-morrow, Mr. Krishna Pillai might as well have concluded that he has the right of reply to-morrow and need not have spent his energy in asking.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If I am not given the opportunity to reply, my amendment, it is likely, may be thrown out, which I do not want to be done. It may also be withdrawn.

DEPUTY PRESIDENT: I do not think Mr. Krishna Pillai can withdraw the amendment. Only if the House agrees, he can do so. The understanding is, this will be considered to-morrow. And therefore Mr. Krishna Pillai need not have the chance of reply now.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I would make a suggestion in view of the proposal to consider the definition of "Medical Practitioner" to-morrow. I submit, clause 7 also may be left for consideration along with clause 8, because clause 7 says;

"Medical officer means a gazetted officer of Our Government, and includes a medical practitioner declared by General or Special order of Our Government to be a Medical Officer for the purposes of this Regulation".

Therefore, before accepting sub-clause (7), we must be satisfied what that expression 'Medical Practitioner' there means and we shall be able to define that expression only to-morrow.

DEPUTY PRESIDENT: The point is, whatever be the qualification prescribed, the Government will nominate certain people as medical officers and certain others as medical practitioners. Clause 7 applies only to those who have been declared as medical officers.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): In fact, the expression 'Medical Practitioners' will be a variable one, which has to be decided to-morrow.

DEPUTY PRESIDENT: Yes, that may be considered to-morrow and its value ascertained to-morrow.

So that the motion before the House is clause 2 sub-clauses (1), (2), (3), (4), (5), (6), (7), (9), (10), (11) and (12), shall form part of the Bill. The question is that clause 2 forms part of the Bill, except that in sub-clause (1) line 1, for the word "or", the word "and" shall be substituted.

The House agreed.

DEPUTY PRESIDENT: Clause 2 shall stand part of the Bill, subject to the reservation made with respect to sub-clause (8), to be considered to-morrow.

Clause 2, subject to the reservation made and with sub-clause (1) as amended, was put to vote and carried.

The clause was added to the Bill.

Clause 3.

Clause 3 was put to vote and carried.

The clause was added to the Bill.

Clause 4.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I beg to move that, in sub-clause (2) line 1, after the word '*relative*', the words *practitioner or assistant*" be added.

Sir, the Bill as introduced has undergone some alteration in the Select Committee. All that my amendment seeks to do, is to restore the provision as it was in the original Bill. Personally, I am unable to see the justification for the amendment made by the Select Committee. I shall explain my position. Clause 4, as amended by the Select Committee, reads thus :

"(2) If either of the medical certificates is signed by any relative............ the petition shall state ....the exact manner in which the person signing ...., is related ...."

In the original Bill, the clause ran as follows :

"If either of the medical certificates is signed by any relative partner or assistant the petition shall state .. . the person signing .... is related .....'.

While the Select Committee thought it fit to amend this clause they did not make any corresponding alteration in clause 2.

DEPUTY PRESIDENT : We are not concerned with the provisions in the original Bill and the alterations made by the Select Committee. We are now concerned only with the provisions in the Bill as revised by the Select Committe.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I am only pointing out, Sir, that all that my present amendment seeks to do, is to restore the provision in the original Bill?

DEPUTY PRESIDENT: Independently of the possibility of the provision in the original Bill being restored, if your amendment is carried, we are now concerned only with the provision as settled by the Select Committee. You need not argue on the effect of your amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I beg your pardon, Sir. I was not addressing it as an argument in support of my amendment. I was only attempting to show how the provision would read when amended.

Further, Sir, there is a sanctity attached to the provision as it occurred in the original Bill; because, it is only an exact copy of the provision in the British Indian Act. And, that is what it would be, if my amendment is accepted.

All that the provision says is, that, when a petition is presented with two medical certificates, the petition shall contain particulars of the relationship subsisting between the persons who issue the certificates and the person who applies or the person for whom the application is made. Such relationship has to be expressly stated in the application; and the sort of relationship, to which the pointed attention of the court has to be drawn, is whether it is blood relationship or relationship as partner or assistant. It has to be stated whether the alleged lunatic is a blood relation of the medical practitioners who issue the certificates or whether they are related as partner or assistant.

In other words, the idea is that the pointed attention of the court should be drawn the court must be able to see at a glance—to the fact whether the medical men who issue the certificates and the petitioner are interested in the alleged lunatic being declared a lunatic. A reading of the subsequent provisions makes it clear that the Magistrate when he is put in possession of the medical certificates, can immediately pass a reception order, and the lunatic can be immediately taken to the asylum. The Magistrate may, if he considers it necessary, call for further evidence; he may himself examine the lunatic or ask for further medical evidence. Such a procedure can be adopted by the Magistrate only if, on the face of the petition and the certificates, he is able to find out at a glance whether the medical practitioners who have issued the certificates, or the petitioner, are interested in any way in the alleged lunatic being declared a lunatic. As it is, the law says that the Magistrate shall be warned sufficiently early of the nature of the proceedings, whether they are collusive proceedings or whether the conduct of the parties is supported by *bona fides*. If it is the object of the law to warn the Magistrate about the interest that the medical men have in the alleged lunatic being declared a lunatic, it is as much necessary to state in the petition whether they are related as partners or assistants as to state whether they are blood relations of the alleged lunatic. Therefore, the petition must state also whether they are related as partners or as assistants. The purpose of the provision is to make it easy for the court to find out at a glance whether there is any room for suspecting the *bona fides* of the petitioner or of the medical men who have issued the certificates. This is especially so since the Magistrate is empowered to pass the reception order, immediately after receipt of the petition with the certificates.

Now, Sir, what the Select Committee has done is this. They have retained the provision insisting on the petition stating whether the medical men or the petitioner are blood relations of the alleged lunatic and have thereby recognised the purpose of the provision, *viz.*, that at a glance, the court must be able to find out the nature of the interest of the petitioner or the medical men in getting the reception order. But they have omitted the other provision insisting on the statement in the petition as to whether the petitioner or the medical men are not interested, in obtaining the reception order, otherwise than by blood relationship, for instance, as partner or assistant. It is that omission that my amendment seeks to supply. And, the British Indian Act as well as the original Bill contain the provision now sought to be made by my amendment.

To make clear the force of my amendment it is worth while to refer to section 16, where also the Select Committee have effected a change. These changes have a consequential defect. Section 16 says:

"*Explanation* 1—'Disqualified person' means ...., *partner* or *assistant*........................"

[Mr. Puthupalli S. Krishna Pillai.]

If section 4 need not provide for the relationship as partner or assistant, where is, I wonder, the necessity for such relationship being mentioned under section 16? Like the British Indian Act and the original Bill, section 16, even as settled by the Select Committee, provides for the relationship as partner or assistant being mentioned in the petition.

Further, the provision as settled by the Select Committee is also inconsistent with practicability; because it is stated that the proceedings for a reception order shall be started by a medical certificate. That has to be done. Is it not necessary that, before reception order proceedings are started, the Magistrate must be cleared of all doubt or suspicion of the *bona fides* of the petitioner and the medical men issuing the certificates? It is not a blood relation alone that may be interested in the reception order, a partner or assistant may also be so interested. The possibility is that the Magistrate would not start the proceedings at all if he has the slightest doubt or suspicion about the *bona fides* of the medical men. He has the discretion to call for further evidence if, looking into the petition, he considers that necessary before initiating the proceedings for the reception order. No doubt, the change made by the Select Committee has got the sanctity of finding a place in the English Act.

DEPUTY PRESIDENT: So, there is collision of sanctity; the Select Committee has the sanctity of the English Act, whereas your amendment has the sanctity of the British Indian Act.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): But the English Act does not contain any provision like the present clause 4.

Here the British Indian Framer thought that that right need not be general, because the Magistrate is given the discretion, and that would be a sufficient safeguard. The British Indian Framer of the Regulation thought it fit to restrict the scope of medical certificates. However, the retention of clause 4 makes it necessary that if any relation exists that fact should also be intimated to the Magistrate before he begins to proceed. With these few words, Sir, I move this amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. The real question that arises on this amendment is, whether a partner or an assistant should be allowed to sign a medical certificate on the basis of which the Magistrate should pass a reception order. Mr. Krishna Pillai pointed out, originally the Bill stood as is proposed by his amendment. That is true. But the Select Committee carefully considered the whole matter and came to the conclusion that under no circumstances should an assistant or a partner be allowed to sign a certificate. They have given their reasons under clause 16, as follows:

"As a Magistrate is likely, ordinarily, to place much reliance on the medical certificates, we are of opinion that a special provision should be made that the certificates shall not be made by anybody

likely to benefit by the confinement or detention of any person as a lunatic. We accordingly propose the above provision which is in line with the provision in the corresponding English Act." The disqualification list includes a partner, or an assistant. It includes also some relatives. Therefore a partner, an assistant, and some relatives are disqualified. Some relatives are not in the list and they are not disqualified; and if they sign a certificate they should declare how they are related to the petitioner. Therefore in section 16, sub-section (1) provision is made as follows. "......shall contain a declaration that the person who so makes and signs the certificate is not a disqualified person". The reasons given by the Select Committee are quite reasonable. That is in accordance with the law in England too. At the same time, in order that a person disqualified, shall not sign the certificate and pass it as a true certificate, he should state specifically that he is not a disqualified person. It seems to me that that is a very good safeguard against unreliable certificates being issued.

DEPUTY PRESIDENT: Mr. Krishna Pillai, do you press your motion?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of the explanation offered by the Law Member, the Select Committee which made the amendments had made a departure from the.. ...

DEPUTY PREIDENT: Are you going to withdraw or to press your motion? You need not make a speech.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then I withdraw my motion.

The motion was, by leave, withdrawn.

Clause 4 was put to vote and passed and the clause was added to the Bill.

Clauses 5 to 15.

Clauses 5 to 15 were put to vote and passed and the clauses were added to the Bill.

Clause 16.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) In view of the facts that I have withdrawn the 4th and 5th amendments I don't move this amendment.

Clause 16 was put to vote and passed and was added to the Bill.

Clauses 17 to 27.

Clauses 17 to 27 were put to vote and passed and the clauses were added to the Bill.

Clause 28.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I beg leave to move that – sub-clause (2) of clause 28 be deleted.

This Act corresponds to the British Indian Act. But it finds a place there, because of the existence of another provision in the early portion of the Act. This is the provision;

> "If the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority."

[Mr. Puthupalli S. Krishna Pillai.]

Nowhere in this Regulation the expression, "Public Authority" is defined. But there is a provision in the British Indian Act. That clause has been omitted in our section. Our section deals purely with reception orders made by Magistrates on petitions or Police reports and reception orders made after inquisition. These are the three main contingencies contemplated in our Bill. There are other provisions in the British Indian Act enabling the public authorities to make reception orders and those sections have been omitted. The expression, "Public Authority," is not defined here. That will contemplate that there is a private authority exercising power and making reception orders. I am not able to see that there is any private authority to exercise these functions here. The retention of the word "public authority" will be misleading. In order to be consistent with the scheme of the Bill I thought it could be conveniently omitted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The order for confining a person on account of lunacy, under the Regulation, may be by a criminal court or by a civil court and these are public authorities. There is another contingency also in contemplation and it is that that is particularly referred to. That is section 70 which enacts as follows :—

> "Any officer in charge of the asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any court or authority beyond the limits of Travancore notified by Our Government in this behalf in Our Government Gazette from time to time."

In British India there is a provision that, if a lunatic has been declared by a foreign court, he may be detained in an asylum in British India on the authority of a foreign court or authority. In such cases, in Travancore too, a lunatic may be detained on the authority of a foreign court or authority or by the order of a court in the State. Mr. Krishna Pillai complained that the expression "public authority" is not defined in this Bill. He asks whether a private authority has power to order detention of a lunatic. If that be so, the word 'public' may be dropped and 'the' substituted. I have no objection to some course—

DEPUTY PRESIDENT: Would Mr. Krishna Pillai accept the suggestion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A word of explanation. If the word 'public' is omitted, that will be enough.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The only objection is this. If the person is detained......

DEPUTY PRESIDENT: Do you accept it or not?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I have no serious objection. If there is any other suggestion forthcoming, that may also be considered.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I would suggest as follows :—

> "When such order is made a notice of the order of discharge shall be immediately communicated to the authority under whose order the person is detained."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I have no objection to accept it.

DEPUTY PRESIDENT : The Law Member accepted Mr. Thanu Pillai's suggestion. Then it may be taken down.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : It is thus :—

"Notice of the order of discharge shall be immediately communicated to the authority under whose order the person is detained."

DEPUTY PRESIDENT : That suggestion is accepted by the Law Member and Mr. Puthupalli S. Krishna Pillai.

I put to the House that the amendment be passed.

The amendment was passed.

The question that clause 28, as amended, do stand part of the Bill, was then put to the vote of the House and carried.

The clause was added to the Bill.

Clause 29

The question that clause 29 do stand part of the Bill was then put to the vote of the House and carried.

The clause was added to the Bill.

Clauses 30 to 41,

The question that clauses 30 to 41 do stand part of the Bill was then put to the vote of the House and carried.

The clauses were added to the Bill.

Clause 42.

DEPUTY PRESIDENT : In clause 42 there is an amendment by Mr. S. Krishna Pillai.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, I beg to move that—in clause 42, in sub-clause I line 3, for the words 'person and estate of the lunatic' the words 'estate of the lunatic and if necessary his person' be substituted.

The object of the amendment is this. It appears that there is some confusion. The heading shows that the provisions deal with the powers of the court over the person and estate of the lunatic so found. This is dealt with in sections 41, 42, 43 and 44. A reading of section 44 will show that in all other cases, the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person and in the preceding sections it will be seen that it is attempted to lay down the powers which shall be exercised by the court under certain distinct contingencies. Clause 42 is an important clause. If the estate of a lunatic so found, consists, in whole or in part, of land or any interest in land, the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic. The Division Peishkar shall thereupon appoint a manager of the estate and may appoint a guardian of the person of the lunatic. Now if a lunatic possesses one cent of land, or happens to have an hypothecation deed in his name, say, for Rs. 10, the court has to act under section 42. It is bound to exercise it in such a way that it has to hand over both the person and the property together. The two have to go into the hands

[Mr. Puthupalli S. Krishna Pillai.]

of the Peishkar. The Division Peishkar is bound to appoint a manager of the estate and may appoint a guardian of the person of the lunatic, *i. e.*, he may or may not appoint a guardian for the lunatic. So, if the Peishkar is a person of a humorous turn of mind he can keep the lunatic in his house. Suppose, Sir, the lunatic is not a dangerous lunatic and he happens to possess immovable property. The District Court hands him over with his property to the Peishkar. As the Peishkar is not bound to appoint a guardian, he is entitled to keep the lunatic in his house, just as a plaything for his children. The law should be so framed in such a manner that it leaves no room for any such possibility. There is another aspect also to be considered. The Peishkar's orders are revisable by Government under section 43. If the Peishkar appoints a guardian, it is open to Government to cancel the appointment and ask the Peishkar to keep the lunatic with him. This will be a sure weapon in the hands of Government for creating temporary vacancies amongst Peishkars in order that their own man may be provided for. When Government exercise their power under section 43 and ask the Peishkar to take care of the lunatic, the course of safety for the Peishkar is to take leave and the successor being the pet of the Government, can, after taking charge, get the order of Government revised. Not that it is certain to happen. We must contemplate all possible contingencies and try, as far as possible, to avoid them.

DEPUTY PRESIDENT: You will better finish your speech. I have no objection to wait 3 or 4 minutes more.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I have very little to add. By this amendment I propose to avoid a possible absurdity. The fact that the British Indian Act contains the same provision is no excuse. This possibility may not have been brought to their notice.

MR. K. R. ELENKATH (*Kalkulam I*): I second it.

DEPUTY PRESIDENT: The House will now adjourn to meet again to-morrow at 11 A. M.

The House adjourned at 5-5 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY.

OFFICIAL REPORT.

FIRST ASSEMBLY.

FOURTH SESSION.

Thursday, the 24th January 1935/11 h Makaram 1110.

The Assembly met again in the Victoria Jubilee Town Hall, at Eleven of the clock, the President presiding.

NEW MEMBERS SWORN IN.

The following members took the oath and signed the Rolls :—

1. Mr. M. Rama Varma Raja, (*Co-opted Member*)
2. Mr. G. V. Venkitakrishna Aiyah, (*Co-opted Member.*)

QUESTIONS AND ANSWERS.

Stenographer in the Police Commissioner's Bungalow.

71. *MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) whether a stenographer has recently been appointed for duty in the Police Commissioner's bungalow; and

(*b*) if the answer to part (*a*) is in the affirmative, his qualification, tenure and scale of pay and also how his scale of pay compares with that of the stenographers in the C. I. D.?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) No

(*b*) This does not arise in view of the answer to part (*a*).

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether any stenographer has been appointed recently in the Police Commissioner's office?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether he is doing duty in the Commissioner's quarters?

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RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): A stenographer has been appointed in the Police Commissioner's office. He is doing duty wherever the Commissioner is.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know when he was appointed ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot give the exact date ; but he was appointed recently.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know his scale of pay ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Rs. 40—70.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether there are stenographers in the C. I. D?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, there are.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know their scale of pay ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Rs. 20-35.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the claims of the stenographers in the C. I. D. were considered at the time he appointed this stenographer ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, they were considered.

PRESIDENT: Everything was considered.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the qualifications of the newly appointed stenographer ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He has completed his E. S. L. C. examination, passed Shorthand Higher Examination with distinction, passed Higher Grade Typewriting, is hardworking and conduct good.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the qualifications of the stenographers in the C. I. D ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I think they are much less. There is one typist. He has not passed even Higher Shorthand. But the man appointed has passed the Higher with distinction. He has passed Typewriting Higher Examination also.

MR. K. PADMANABHAN (*Chirayinkil I*): Am I to understand that all these stenographers are of the same qualifications ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): No.

MR. K. PADMANABHAN (*Chirayinkil I*): I was not able to make any distinction between their qualifications. What is the qualification of the newly appointed stenographer ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He has passed Shorthand Higher with distinction.

Statement, by caste, of Acting Police Inspectors.

72. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to give a caste-war statement of acting Inspectors of Police appointed by the present Police Commissioner from the ranks of Head Constables and clerks?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

Christians	...	4
Nairs	...	4
Muslim	...	1
Vellala	...	1
Brahmin	...	1

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether the one appointed from the Vellala community is Mr. Subramonia Pillai?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I believe he is.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether there are seniors to him as clerks in the department?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot tell off-hand, Sir.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether the present Commissioner would enquire whether there are seniors to Mr. Subramonia Pillai?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, I shall.

PRESIDENT: But before appointing I think you have enquired?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I should have enquired.

MR K. PADMANABHAN (*Chirayinkil I*): But my own information is......

PRESIDENT: Whatever your information may be, keep it secret.

MR. K. PADMANABHAN (*Chirayinkil I*): My question is whether the Police Commissioner will enquire into the matter.

PRESIDENT; You have asked him to enquire and he is expected to make an enquiry.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member, whether, when the Commissioner made the appointment he was satisfied that there were no clerks senior to him?

RAO BAHADUR N RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot tell that. I have answered yesterday on the floor of this House that all things will be considered before a man is appointed. Sometimes a junior is appointed over a senior clerk on account of propinquity. Sometimes it may be that a man may be going on a short leave vacancy.

PRESIDENT: So all things consistent will be considered?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the Commissioner whether in appointing Police Inspectors from Head Constables he gives preference to those Head Constables who have acted previously?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Sometimes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So, am I to understand that on certain occasions he does not consider the acting claims of Head Constables?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, sometimes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the occasions on which the Commissioner of Police does not consider the claims of acting Head Constables?

PRESIDENT: It is rather a very vague question. Each case of appointment has to be judged upon its own merits, and the Commissioner when he makes the appointments has got to take into consideration the particular merits of the candidate, the particular place in which he has to be appointed, and so on and so forth. You may put the question more clearly.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Since the Chair observed that it is very vague I may explain my position. When a person has once acted, it is presumed that he has got claims preferable to that place than others.

PRESIDENT: Not necessarily. Suppose he is proved unfit. The answer is that each case has to be decided on its own merits.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So, may I know whether the Commissioner has not looked into the claims of Head Constables who have acted because they conducted themselves to be unfit when they were acting?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Sometimes when they have proved themselves to be unfit they are not appointed.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know from the member whether all the acting Inspectors are promoted from the first grade Head Constables?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot tell.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*): May I know from the member whether any second grade Head Constable has been appointed as Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot tell.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know, Sir, whether there is any second grade Head Constable who is now an Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The information is contained in the Civil List, I expect.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know whether there is any Vellore-trained candidate?

RAO BAHADUR N RAMANUJA AIYANGAR (*Commissioner of Police*): What is a Vellore-trained candidate?

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): One who was trained in the Vellore Police School.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): That system has been given up long ago.

MR. K. A NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know, when that system was in vogue, did anybody qualify himself from the Travancore service at the Vellore training school and who is a first grade Head Constable?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I do not know who the gentleman is.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know from the Commissioner whether the man I mentioned had not sufficient qualification?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I do not know any such Head Constable. There may be.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know his qualification?

RAO HAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I cannot answer that question now.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): May I know from the Commissioner whether when he appointed acting Inspectors he took into consideration the claims of this particular gentleman?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): That question has been answered. Everything will be taken into consideration.

Acting Police Inspectors.

73. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state;

(*a*) the number of acting Police Inspectors at present; and
(*b*) the number of graduates among them?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) 14.
(*b*) 4.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether there is a rule that a certain percentage should be given to graduates?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, there is a rule.

MR. K. PADMANABHAN (*Chirayinkil I*): What is the percentage?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): 25 per cent is promoted from among the ranks and 75 per cent is directly recruited.

MR. K. PADMANABHAN (*Chirayinkil I*): My question is, what is the percentage allotted for graduates?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): There is no percentage allotted for graduates.

Reduction of school fees.

74. *MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state the extent of loss incurred by the private schools of the State for one full year by the recent Government order reducing school fees?

MR. R. M. STATHAM (*Director of Public Instruction*): Rs. (1,13,395) one lakh thirteen thousand three hundred and ninety-five for the rest of the current year 1934-35 from 1-2-1110, the date on which the reduction took effect and Rs. (2,20,624) two lakhs twenty thousand six hundred and twenty-four, for one full year at this rate.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether the question of assisting the private schools is considered by Government?

MR. R. M. STATHAM (*Director of Public Instruction*): It has been considered and the question has been settled.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know what that settlement is?

MR. R. M. STATHAM (*Director of Public Instruction*): The settlement is that, subject to the matter being placed before the Finance Committee and subject to the vote of this House, full compensation will be paid to such schools as the department is satisfied with in so far as their amounts are concerned.

Grant of land to the S. N. V. English High School, Nedunganda.

75. *MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state

(*a*) whether they have passed an order giving a slice of land from the Ariyittakunnu camp-shed compound (in Nedunganda, Chirayinkil taluk) to the S. N. V. English High School, Nedunganda; and

(*b*) whether the possession of the plot has been delivered to the school?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) No.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the date of the order?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 2-8-1932.

The Anandapalli—Kaipattoor road.

76. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): With regard to the Anandapalli-Kaipattoor road, will the Government be pleased to lay on the table a statement containing the following particulars:—

(*a*) the years for which budget allotments were made and the amount allotted in each year:

(*b*) the amount spent in each of such years;

(*c*) if the whole or any part of the allotment had not been spent in any year, the reason for the same; and

(*d*) if the work had been provided for in one year but was neither begun nor completed in that year and was unprovided for in the subsequent year, the reason for the same?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) 1106—Rs. 1,000. 1108—Rs. 1,000.

(*b*) Nil.

(*c*) and (*d*). The land acquisition could not be proceeded with, as some of the interested parties were unwilling to surrender their lands required for the road free of compensation.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether it would not be desirable to create a reserve fund of the un-expended sum to be utilised for the subsequent years?

PRESIDENT: It is a matter of opinion.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether they follow any system with regard to budget allotment for minor irrigation works?

PRESIDENT: What has the road to do with minor irrigation works? You cannot put that as a supplementary question. Any question which relates to this particular road regarding which that Honourable member asked a question is permitted as supplementary question; but nothing else is permitted.

MR. T. P. VELAYUDAAN PILLAI (*Tiruvalla III*): May I know from the Government whether they would consider the question of creating reserve fund out of the unexpended P. W. D. allotment?

PRESIDENT: I have over and over again said that it is a question opinion.

Gowd Saraswat Brahmins in the Police Force.

77 ***MR. M. K. JANARDANA KAMATH** (*Commerce and Industry North*): Will the Government be pleased to state the number of Gowd Saraswat Brahmins in the Police Force and their rank?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

2nd Grade Inspector	1
1st Class Constables	2
2nd Class Constable	1
3rd Class Constable	1
Total	5

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): May I know from the Government why more members of this community have not been appointed in the cadre of Police Inspectors?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I think it is owing to the thinness of the population of the community.

MR. M. K. JANARDANA KAMATH (*Commerce and Industry, North*): May I know from the Government whether the Gowd Saraswat Brahmins are not scarcely represented in the Government service?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) I cannot say in Government service which community is rarely represented. In the Police Department they are fairly well represented I think, all taken together.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): May I know from the Government whether the Gowd Saraswat Brahmins are classed separately as a distinct class apart from other classes of Brahmins?

PRESIDENT: Here is the authority to answer the question. The Chief Secretary will answer that supplementary question.

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): They are treated as a sub-division of the general category of Brahmins.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): And are they given special treatment?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) For what?

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): For purposes of recruitment to the public service.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the Government the population of this community in the whole of Travancore?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Copy of the Census Report has been supplied to the Honourable member and he can get the information from it.

PRESIDENT: You must have brought that book with you today, Mr. Krishna Pillai.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala II*): May I know from the Government whether the Gowd Saraswat Brahmins are considered as a distinct unit in the matter of recruitment to the public service?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Government have not so far recognised the Gowd Saraswat Brahmins as a distinct community for recruitment to public service. The whole question about recruitment to public service is now being examined by a Special Officer and Government will come to some decision on all these points after the receipt of his report.

Market cases in the Nedumangad Stationary Magistrate's Court.

78. ✻**MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state :

(*a*) how many cases have been filed before the Magistrate's Court at Nedumangad as to have taken place in the Kallara market on market days in the years 1107, 1108 and 1109

(*b*) how many of them are Police cases and how many are private complaints : and

(*c*) what their numbers are ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) None.

(*b*) and (*c*) These do not arise in view of the answer to part (*a*).

MR. S. J. NAIR (*Nedumangad*) : With reference to part (*a*), may I know from the Government whether the answer that is given for this question is wrong? (*laughter*)

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is a mistake.

PRESIDENT : Will you admit that?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Sir, I find from a question that was answered by the Police Commissioner the day before yesterday, that in 1107 there was one case filed before the Nedumangad Magistrate's Court said to have taken place in the Kallara market. The answer to the question to-day is 'nil.' I think there is a mistake somewhere. The first answer was furnished by the Commissioner of Police and the second by the District Magistrate. Government will enquire into the mistake.

PRESIDENT : And they will thank Mr. S. J. Nair for it.

MR. S. J. NAIR (*Nedumangad*) : May I know from the Government whether they will admit that there is at Kallara a market known as the Kallara market now ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The Land Revenue Commissioner who answered a supplementary question put by the Honourable member the other day said that there was some discrepancy in the answers given at a previous and present session of the Assembly and he promised to enquire into it.

Market cases in the Nedumangad Stationary Magistrate's Court.

79. ✻**MR. S. J. NAIR** (*Nedumangad*) : Will the Government be pleased to state :

(*a*) how many cases have been filed as to have taken place in Pangodu market on market days in the years 1106, 1107, 1108 and 1109 ;

[Mr. S. J. Nair.]

(*b*) how many of them are Police cases and how many are private complaints and

(*c*) what their numbers are?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) No cases were filed in 1106, 1107 and 1108. In 1109 two cases were filed.

(*b*) These two cases were Police charges.

(*c*) C. C. Nos. 257 and 273 of 1109 on the file of the Stationary Magistrate, Nedumangad.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Government would admit that there is a market in the Nedumangad taluk known as the Pangodu market now?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): My answer to the previous question applies to this also.

PRESIDENT: The questions and replies are *ditto*. (*laughter*).

Grant-in-aid Vaidyasala at Puliyoor.

80. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether the Government and the Inspector of Ayurveda have received a written representation from the public of Puliyoor, Tiruvalla taluk, urging upon the Government the necessity of establishing a Sirkar grant-in-aid vaidyasala at Puliyoor;

(*b*) the action taken on such representation; and

(*c*) if the answer to part (*b*) is in the negative, the reasons for the same?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) and (*c*) There is no provision in the current year's budget for opening more grant-in-aid vaidyasalas. Hence, no action could be taken on representations of the kind referred to.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether the Government follow any definite principle governing the establishment of vaidyasalas in different centres in the State?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not quite understand what the Honourable member means by "definite principles". If it relates to the needs of the locality, where the needs are more urgent, there, vaidyasalas are started earlier than in other places.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether, while opening a new vaidyasala, they take into consideration the distance also?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, they take that also into consideration.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the Government whether the need is ascertained when representations from each locality reach Government or is there a scheme or consistent plan on the part of Government to supply the rural population throughout the State with vaidyasalas?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The needs are looked into when Government receive representations and also independently of such representations by the Inspector of Ayurveda during his inspection tours. I may also say that there is a scheme before the Government for the reallocation of the various vaidyasalas and under that scheme it is proposed to shift some of the existing vaidyasalas from their present location to other places where the need is found to be more urgent and, where such shifting cannot be done, the Government propose to start new vaidyasalas when funds permit.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the Government whether the post of the Director of Ayurveda is abolished or still kept vacant?

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): I do not know whether that supplementary question arises, Sir. However, I may say that the post is kept vacant.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): May I know from the member whether these grant-in-aid vaidyans are allowed to treat serious cases of disease?

PRESIDENT: Who is to allow them? The patient offers himself for treatment to the vaidyan and it is for the vaidyan to take up the case or not.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I will explain, Sir. These vaidyans are people with some qualification which is recognised by the Government. Of course, in the case of Allopathy, there is no restriction. But these people get some grant. So, may I know from Government whether the Government have prohibited them from attending to serious cases?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government have not prohibited.

Cases of theft in Trivandrum Town.

81. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many cases of lurking house-trespass and theft have taken place in Trivandrum Town since the present Commissioner of Police came and took charge;

(*b*) what are those cases;

(*c*) how many cases were detected and charge-sheeted and how many remain undetected; and

(*d*) what are the cases that remain undetected?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) 23.

[Rao Bahadur N. Ramanuja Aiyangar]

(*b*) Crimes Nos. 38, 39, 46, 56, 77, 83 and 85 of 1109 and 6 & 7 of 1110 of the Cantonment Station; 17, 23 & 63 of 1109 of the Puthenchantai Station; and 24, 38, 42, 56, 62, 66, 67 & 68 of 1109 and 7, 11 and 34 of 1110 of the Fort Station.

(*c*) 10 cases were detected and 6 undetected.

(*d*) Crimes Nos. 38 of 1109 of Cantonment, 23 & 63 of 1109 of Puthenchantai and 62 67 and 68 of 1109 of the Fort Station.

MR. S. J. NAIR (*Nedumangad*); From the answer to part (*a*) of the question, it is seen that 23 cases of lurking house-tresspass and theft are committed in the Trivandrum Town since the present Commissioner took charge.. May I know whether these crimes have been committed by individuals or by gangs of people?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*); Gangs compose of individuals, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether the individuals are members of any gang?

RAO BAHADUR N. RAMUNUJA AIYANGAR (*Commissioner of Police*): They are not exactly members of any gang; but there seems to be a number of offenders who had banded themselves together and they have come to light recently committing house-breaking and thefts in the city.

MR. M. SIVATANU PILLAI (*Tovala*): May I know whether it is in the interests of the public that such questions are debated in the Council?

PRESIDENT: I think not. These are all matters which the Police must be allowed to keep as secret. The history of the gang and the individuals committing theft are not to be exposed on the floor of the House.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the Commissioner has succeeded to trace out the history of the gang and to rout them out?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He has, Sir.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether in this list of thefts, the theft committed in the Police Commissioner's bungalow is included?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes, it is an inclusive list.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the theft in the Police Commissioner's bungalow took place in 1110?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I suppose it is.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Is it in 1110?

RAO BAHADUR N. RAMANUJA AIYAGAR (*Commissioner of Police*): I suppose it is.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether that case has been charge-sheeted in any police station *i. e.* either in the Cantonment Station or in the Puthenchantai Station or Chalai Station?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It comes under the Cantonment Station.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Has that case been detected?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) When a case is detected, it will go to the court. In the present instance it has not gone to the court.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): My question is whether it has not been detected.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): For statistical purposes, not yet.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether since the statistics were prepared the case has been detected?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): No; for purpose of statistics it has not been detected.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Then may I know whether for any other purpose it has been detected?

PRESIDENT: There are very many stages for the police in detecting a case. Perhaps they have some clue and they are pursuing the clue. They have not yet succeeded in tracing the exact culprit. For that purpose they have done some work. But for statistical purpose they have not done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member how the number of lurking house-trespass cases during the period since the Commissioner has taken charge, compare with the corresponding period before that?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I claim notice.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the particular case referred to by the Honourable member has been entered in the list of undetected cases?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Not yet.

MR. PUTHUPALLI S KRISHNA PILLAI (*Quilon II*): If the present answer given by the member is correct, may I know how he would reconcile..........

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I rise to a point of order. Can the member put a question like that.........

PRESIDENT: I have not heard him completely.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): (*Hear hear.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The answer to part (*d*) says that the cases that remain undetected are Nos. 38 of 1109 of Cantonment, 23 and 63 of 1109 of Puthenchantai and 62, 67 and 68 of 1109 of the Fort Station. If these are the only cases that remain undetected, should not the numbers include also the case referred to by Mr. Kunjukrishna Pillai?

PRESIDENT: In asking supplementary questions, you should not go on arguing like that. You have got to put a direct question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Why is it that the case referred to by Mr. Kunjukrishna Pillai has not been included in tha list of undetected cases given in the answer?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It might have been an omission, Sir.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With regard to the case of theft in the Police Commissioner's bungalow, may I know whether the Government are aware that the suspected offender was charge-sheeted in any of the Magistrate's Courts in the Tinnevelly District?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I submit, Sir, that that question does not seem to arise as a supplementary question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, is it not for the Chair to say whether a supplementary question arises or not?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I waa only making that submission to the Chair for a ruling.

PRESIDENT: He has to do it, I suppose, in order to get a ruling.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With regard to the case of theft in the Police Commissioner's bungalow, are the Government aware whether the suspected offender has been charge-sheeted in any of the Magisirate's Courts in the Tinnevelly District?

PRESIDENT: You want to know whether anybody was charge-sheeted in Tinnevelly?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Yes, Sir.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Several people have been suspected, and there might have been more than one charge-sheeted in Tinnevelly.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Government are aware of any one, suspected in this particular case, charge-sheeted before any of the Magistrate's Courts in the Tinnevelly District?

PRESIDENT: You want to know whether any individual concerned in this case was charge-sheeted at all?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : Yes, Sir.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : I suppose, Sir, I am asked about the Tinnevelly District ?

PRESIDENT : Yes.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : I cannot give definite information as to what has happened in Tinnevelly.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : May I know whether the Government are aware of some adverse remarks in a judgment, regarding the couduct of the Travancore Police ?

PRESIDENT : That does not arise under this question.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : The adverse remarks were in connection with this case, Sir.

PRESIDENT : There is a separate question about that.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Are the Government aware that this case was the subject-matter of a petition before the High Court of Travancore ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : I am quite prepared, Sir, to answer the question. But I would like to put it to the Chair, on a point of order, whether it arises as a supplementary question to a question asking for statistics regarding the number of cases of lurking house-trespass and theft in Trivandrum.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : The Commissioner was asked whether the Government were aware of something that took place in Tinnevelly, and he said that he was not aware. I am now asking whether he was aware that this case was the subject-matter of a petition before the High Court of Travancore in which responsible officers of the Police Department figured.

PRESIDENT : How is that relevant for the purpose of ascertaining how many thefts were committed and how many of them were detected? How is any petition before the High Court in regard to the vagaries of particular officers relevant under such a question ?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : I submit, Sir, that this question of mine is relevant to the same extent to which the other question about what occurred in Tinnevelly was relevant.

PRESIDENT : The other question was whether anybody was charge-sheeted at all, and the answer was that none was charge-sheeted The Commissioner was asked whether the case of theft in his bungalow, if it had not been detected, should not have been included in the list of undetected cases : and he answered that it might have been an omission. How is any petition before the High Court relevant under this question ?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : The petition that I referred to was also about the very same case.

PRESIDENT . But the petition has absolutely no relation whatever with the statistics asked for in the question.

Erulappapuram tank.

82. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*) : Will the Government be pleased to state :

(*a*) whether they have received any representations from Erulappapuram in the Agastisvaram taluk for the completion of the tank with baths or *padturai* ;

(*b*) if so, whether they have taken any steps for the same : and

(*c*) if the answer to part (*b*) is in the negative, why ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) Yes.

(*b*) The improvement to the tank and construction of flight of steps have been completed.

(*c*) The question does not arise.

Village-Panchayat at Edappalli.

83 ***MR. K. P. KRISHNA MENON** (*Parur*) : Will the Government be pleased to state :

(*a*) whether the Division Peishkar, Kottayam, has received any representation from the people of Edappalli for opening a Village-Panchayat at Edappalli Police town ; and

(*b*) if the answer to part (*a*) be in the affirmative, whether any and what steps have been taken in the matter ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) :

(*a*) Yes, a petition is reported to have been received from the member himself and a few others.

(*b*) On making necessary enquiries, the Division Peishkar found that there was no necessity to establish a Panchayat at the place.

MR. K. P. KRISHNA MENON (*Parur*) : May I know, with reference to the answer to part (*d*), how the Division Peishkar came to the conclusion that there was no necessity for a Village-Panchayat at Edappalli?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): On enquiry.

MR. K. P. KRISHNA MENON (*Parur*) : I want to know how the Peishkar came to that conclusion ?

PRESIDENT : The Chief Secretary told you that it was based on enquiry. What more can you expect Government to say ? If you want to know how, on his enquiry, the Peishkar came to such a conclusion, I fear you will have to ask the Peishkar himself.

MR. K. P. KRISHNA MENON (*Parur*) : May I know the name of the Peishkar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : The Peishkar did not conduct the enquiry himself. He got the enquiry conducted by the Tahsildar, Parur.

MR. K. P. KRISHNA MENON (*Parur*) : May I know the nature of the enquiry that was conducted ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) All that I find in the report is that an enquiry was conducted by the Tahsildar. Government do not know the nature of the enquiry.

MR. K. P. KRISHNA MENON (*Parur*): May I ask whether the petitioners were informed of the result of the enquiry?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) The report of the Peishkar says that the petitioners were informed of the results of the enquiry.

MR. K. P. KRISHNA MENON (*Parur*): I submit, Sir, that I am one of the petitioners, in fact, the first signatory: but I did not get any information of the enquiry.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): But the report says that the Tahsildar informed the parties.

MR. K. P. KRISHNA MENON (*Parur*); May I know the name of the Tahsildar who conducted the enquiry?

PRESIDENT: It must be the Tahsildar, Parur, at the time.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think he has since been transferred from there.

MR. K. P. KRISHNA MENON (*Parur*): May I know the population and area of Edappalli?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have not got those figures with me now; reference may be made to the Census Report.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether the Government called for a report as to the result of any enquiry by the Tahsildar, Parur?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): It was the Peishkhar that directed the Tahsildar to make the enquiry: and Government have received the report of the Peishkhar on the results of the enquiry conducted by the Tahsildar.

MR. E. V KRISHNA PILLAI (*Pattanamtitta*): May I know whether the Government were satisfied with the Peishkar's report that the enquiry was conducted only by the Tahsildar?

PRESIDENT: Is there any statutory rule that the Division Peishkar must invariably conduct such enquiries himself?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): In that case, may I know why the Government did not rest content with forwarding the petition direct to the Tahsildar?

PRESIDENT: Government do not have any direct correspondence with the Tahsildars. Honourable members ought to know these simple matters of procedure. Questions like that do not arise.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): My submission is that a very serious allegation has been made by the Honourable member Mr. Krishna Menon, that, although he was the first signatory in the petition, he was not consulted, nor even informed of the enquiry.

PRESIDENT: There might have been some irregularity in the enquiry that was conducted; but, on that ground, I cannot swallow a question why the Government should not have sent the petition direct to the Tahsildar.

MR E. V. KRISHNA PILLAI (*Pattanamtitta*): I put that question only to impress upon the Government the seriousness of the omission to inform one of the petitioners who is not only the first signatory to the petition but is also a member of this House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know whether the petitioners were afforded an opportunity to make out a case that a Village-Panchayat was necessary for Edappalli?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The report of the Peishkar says that the parties were informed, that the Tahsildar made the enquiry and that he could not recommend the establishment of a Panchayat there.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Do the Government consider it a satisfactory enquiry?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is a matter of opinion.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In the matter of starting a Village-Panchayat, which is it that should prevail, the opinion of the Peishkar or the wishes of the people?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The wishes of the people will certainly be taken into consideration; but merely because some gentlemen ask for a Panchayat Government cannot immediately senction it. They must consult their officers on the spot; and when such officers report that an enquiry has been made and that there is no need for a Panchayat, Government will naturally accept that opinion.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Considering the nature of the questions put by Mr. Krishna Menon, are not the Government satisfied that a proper enquiry has not been conducted?

PRESIDENT: Again, a matter of opinion. The Honourable member may hold the view that the enquiry was not a proper one, and Government may hold the view that it is a proper. One; it is entirely a question of opinion.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): For the consideration of the Chair, may I know whether the opinion of a particular party on a particular matter may not itself, at times, be a question of fact?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : On a point of order, Sir, whether it is open to a member to put supplementary questions after he has once had his turn ?

PRESIDENT : He was not asking a supplementary question at all. He was just submitting a point for ruling from the Chair.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I want to know whether a question about the opinion of a particular party is not sometimes a question of fact.

PRESIDENT : But Mr. Asan's question was to know whether Government considered the enquiry unsatisfactory in the light of Mr. Menon's questions. That was the reason why I ruled it out of order.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : May I know whether the Government asked the Peishkar to make an enquiry himself or to cause an enquiry to be made ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*: As a matter of fact, Sir, the petition was received only by the Peishkar and not by the Government; and the Government did not order any enquiry. The Peishkar received the petition, ordered an enquiry and submitted his report to Government of his own accord.

Dispensary for Edappalli.

84. ***MR. K. P. KRISHNA MENON** (*Parur*) : Will the Government be pleased to state :

(*a*) whether they have come to any decision regarding the grievances of the Edappalli people on account of the absence of a dispensary in the locality brought to the notice of the Government by means of representations from time to time ; and,

(*b*) if the answer to part (*a*) be in the negative, the reasons for the delay ?

MR. JAMES SIMPSON (*Darbar Physician*) : (*a*) and (*b*) The opening of more dispensaries in the State has been postponed to better times.

MR. K. P. KRISHNA MENON (*Parur*) : May I know what the Government mean by 'better times?'

PRESIDENT : Better financial times.

MR. K. P. KRISHNA MENON (*Parur*) : Can medical relief wait for better times ?

MR. JAMES SIMPSON (*Darbar Physician*) : The answer, I thought, was very clear ; the opening of new dispensaries has to wait for better times.

MR. K. P. KRISHNA MENON (*Parur*) : If qualified medical men are forthcoming to set up practice there, will the Government be pleased to give them grants-in-aid ?

PRESIDENT : That will be done if financial considerations permit.

Registration of Motor Vehicles.

85 *MR. M. K. MADHAVAN PILLAI (*Karunagapalli*): Will the Government be pleased to state:

(*a*) whether the Traffic Superintendent of Police had notified that motor vehicles with bugs in them may not be eligible for re-registration:

(*b*) what steps he applied to find out whether old buses contained bugs among other things when they were presented before him for re-registration; and

(*c*) how many buses were re-registered since the notification?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) No.

(*b*) and (*c*) These do not arise in view of the answer to part (*a*).

Medicines in the District Dispensary at Vamanapuram.

86. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether they are aware that there is complete shortage of medicine in the Vamanapuram District Dispensary;

(*b*) who is responsible for the supply of medicine to the mofussil dispensaries: and

(*c*) how many times the above dispensary has gone dry of medicine since it was established?

MR. JAMES SIMPSON (*Darbar Physician*):

(*a*) No.

(*b*) The Store-keeper, General Medical Stores.

(*c*) Not on any occasion.

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether the Darbar Physician has received any letter from the member for Nedumangad complaining about the shortage of medicine in the Dist ict Dispensary at Vamanapuram?

MR. JAMES SIMPSON (*Darbar Physician*): I have received two letters.

Registry of lands in the Nedumangad Taluk.

87. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether all the lands available for registry in the Nedumangad taluk are registered and occupied; and

(*b*) whether there is increase of population according to the latest Census Report compared with that of the previous one?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) No.

(*b*) Yes.

Land acquired for the Haripad Dispensary.

88. *MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Will the Government be pleased to state:

(a) the extent of the land acquired for locating the Haripad Dispensary and the cost of the acquisition;

(b) when the land was acquired;

(c) which department is in possession of the land;

(d) the annual rent that is being paid for the private building in which the dispensary is now being held; and

(e) whether any estimate has been prepared for the construction of the necessary buildings for the dispensary in the acquired land and if so, the estimated amount?

MR. JAMES SIMPSON (*Darbar Physician*): (a) 2·14 acres for Rs. 12,560-15-0.

(b) 20th Karkatakam 1095.

(c) The P. W. D.

(d) Rs. 300.

(e) Yes: Rs. 8,870.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Whether the P. W. D. is directly in possession of this land or through any lessee?

MR. JAMES SIMPSON (*Darbar Physician*): My information is that the lands are under the P. W. D; but whether the land is let out I have no information. The P. W. D. is in possession of the land.

Bridge across the Nakkalikkal Canal.

89. ***MR. E. K. KUNJURAMAN** (*Nominated*): Will the Government be pleased to state:

(a) whether they have received any representation at any time with regard to the extreme necessity of constructing a bridge across the Nakkalikkal canal at the sixth mile on the Pantalam-Aranmula road;

(b) if the answer to part (a) is in the affirmative, whether they have taken any steps in the execution of the work; and

(c) if so, what steps have been taken and what is the present condition of the scheme?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (a) & (b) Yes.

(c) An estimate for a high level bridge submitted by the Division Officer, Quilon, having been found to be costly, a revised estimate for a cheaper submersible bridge has been called for.

PRESIDENT: I suppose, Mr. Truscott, you have understood enough of Malayalam?

MR. G. B. E. TRUSCOTT (*Chief Engineer*); I have my interpreter here, Sir.

PRESIDENT: Your interpreter should be good enough to interpret aloud. Who is your interpreter?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The Director of Industries.

PRESIDENT: I am here to decide whether it is permissible or not that the Director of Industries can interpret loud.

MR. E. K. KUNJURAMAN (*Nominated*): നാചാങ്കൽപാലം കെട്ടുന്നതിന് മാവേലിക്കര ഡിവിഷൻ ആഫീസർ എസ്റ്റിമേററു തയ്യാറാക്കിയിട്ടുണ്ട് എന്നു പറയുന്നു. അങ്ങിനെ തയ്യാറാക്കിയിട്ടു എത്രവർഷമായി എന്നു പറയാമോ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The Division Officer sent an estimate for a high level bridge about June 1930 for Rs. 26,000. Government. considering the high cost, ordered to consult the Road Board. The Board decided that a cheaper submersible bridge would meet the requirements of the place. The Division Officer was thereupon asked to prepare an estimate for a submersible bridge.

MR. E. K. KUNJURAMAN (*Nominated*): എസ്റ്റിമേററു് തയ്യാറാക്കിയിട്ടു് എത്രവർഷമായി എന്നാണു് എന്റെ ചോദ്യം

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I say that an estimat. has been only called for and it has not been submitted yet.

MR. E. K. KUNJURAMAN (*Nominated*) താഴ്ന്നലവലിൽ ഒരു പാലം കെട്ടുന്നതിന് വേണ്ടി എസ്റ്റിമേററു തയ്യാറാക്കുന്നതിന് ആവശ്യപ്പെട്ടിട്ടുണ്ടു് എന്നു കാണുന്നു. അങ്ങിനെ ആവശ്യപ്പെട്ടതു് എന്നാണെന്നു് പറയാമോ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I think it was last year.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*); May I know from Government whether the Chief Engineer has inspected this place?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government the distance from Pantalam to Aranmula *via* Chengannur?

MR. G. B. E. TRUSCOTT (*Chif Engineer*): Sixteen miles.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the distance of Pantalam-Aranmula road?

MR G. B. E. TRUSCOTT (*Chief Engineer*): Eight miles.

Opening of the Pantalam-Aranmula Road.

90. *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state:

(*a*) what sum they have spent for the opening of the Pantalam-Aranmula road until 1110; and

(*b*) whether they are aware of the reason or reasons why the above-mentioned road remains useless in spite of their having spent such a big sum for the opening of it?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) Rs. 2,304-21-0 over and above the annual maintenance grant.

(*b*) It is reported that the road is in a satisfactory condition.

Head Constables in the Police Department.

91. *MR. E. K. KUNJURAMAN (*Nominated*): Will the Government be pleased to state :

(*a*) the number of Head Constables in the Police Department: and

(*b*) the number of Ezhava Head Constables in the Department?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) 202.

(*b*) 4.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know whether the Commissioner of Police has received a petition from an Ezhava first grade Constable of 18 years' service who has been recommended for a promotion by all the Inspectors, A. S. Ps. and D. S. Ps., to the effect that his claims were overlooked in the matter of promotion, to a Head Constable's post when a vacancy arose?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): A point of order, Sir. Does that question arise?

PRESIDENT: I suppose that the member complains that a proper promotion was not given. Is that not your purpose, Mr. Krishna Pillai?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*); Yes, Sir.

PRESIDENT: Was he an Ezhava constable?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Yes, Sir.

PRESIDENT: Are you aware of what the member complains of, Mr. Aiyangar?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Petitions are received from constables and it is impossible to remember particularly any one of them.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I have myself represented to the Commissioner about the fact, Sir.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I have had the honour of getting a representation from the Honourable member's hands and I will consider it.

Appointment of Librarian in the Training College.

92. *MR. M. N. NAIR (*Kottayam I*): Will the Government be pleased to state:

(*a*) how many applicants there were for the post of the Librarian in the Training College which fell vacant recently;

(*b*) who they were;

(*c*) who was selected for the post; and

(*d*) what were his special qualifications?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Six.

(*b*) K. G. Sankara Pillai, B. A., L. T.

N. Appathura Iyer, B. A.

R. Veerabhadran B. A.

K. Veloo Kurup B. A.

V. T. Velu Pillai, B. A.

K. N. Vasudevan Unni, B. A.

[Mr. R. M. Statham.]

(c) A permanent clerk in the department was promoted,

(d) He is a permanent clerk in the department and a graduate who has passed the Account Test Examination.

MR. M. N. NAIR (*Kottayam I*): With regard to answer (c) may I know from Government the name of the permanent clerk who was promoted?

MR. R. M. STATHAM (*Director of Public Instruction*): N. Appathura Iyer.

MR. M. N. NAIR (*Kottayam I*): Does he belong to the less represented community in the English branch of the Education Department?

MR. R. M. STATHAM (*Director of Public Instruction*): He was not in the English branch of the Education Department, but he certainly does not belong to the less represented community. He is a permanent clerk in the department.

MR. M. N. NAIR (*Kottayam I*): Was there any other application from a person who has experience in library work?

MR. R. M. STATHAM (*Director of Public Instruction*); There was an applicant by name V. T. Velu Pillai who had undergone a few weeks training as a Librarian in the Connemara Library in Madras.

MR. M. N. NAIR (*Kottayam I*): Is he not better qualified for a Librarian's post than a person who has passed the Account Test Examination?

MR. R. M. STATHAM (*Director of Public Instruction*): Mr. Velu Pillai will only be a fresh recruit if he is appointed and he will have no experience in the departmental duties. He had had only a few weeks experience in library work.

MR. M. N. NAIR (*Kottayam I*): Was he not once employed in the Industries Department?

MR. R. M. STATHAM (*Director of Public Instruction*): He might have been there in the Textile Section of the department. But he has no experidnce in my department.

MR. M. N. NAIR (*Kottayam I*): Had he not some experience in the library work in Madras?

MR. R. M. STATHAM (*Director of Public Instruction*): I don't consider spending a few weeks in the Connemara Library in Madras as a sufficient qualification for this post.

MR. M. N. NAIR (*Kottayam I*): Has he got a certificate of proficiency?

MR. R. M. STATHAM (*Director of Public Instruction*): He has, I believe. But I promoted a man who has had sufficient experience in the department and who I thought would be fit for the job.

MR. M. N. NAIR (*Kottayam I*): Who was appointed in the vacancy created by the promoted man?

PRESIDENT: The question does not arise when we are talking of only one appointment.

MR. M. N. NAIR (*Kottayam I*) : When a permanent man was promoted I suspected that the vacancy was created to give an appointment to a particular man whom the Director had in view.

PRESIDENT : You may keep the suspicion to yourself. Keep yourself to one particular appointment and do not wander into the whole field of appointments talking about auxilliary appointments.

MR. M. N. NAIR (*Kottayam I*) : Which is the better qualification, Account Test or L. T.?

MR. R. M. STATHAM (*Director of Public Instruction*) : For the Librarian's post in the Training College we want an experienced clerk.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Who was the appointing officer in this case?

MR. R. M. STATHAM (*Director of Public Instruction*) : The Principal of the Training College.

MR. S. J. NAIR (*Nedumangad*) : May I know whether there was a convert Christian belonging to the Depressed Classes community who has had some experience in the Madras University Library as an applicant?

MR. R. M. STATHAM (*Director of Public Instruction*) : There was such an applicant but his application was received later. But the Principal gave him an interview and promised him another job but he was not willing to accept that. Evidently, he had been seeking for some bigger job elsewhere. But he also brought forward certain conditions if he was to accept the appointment.

MR. S. J. NAIR (*Nedumangad*) : May I know whether those conditions stated by the applicant are on record?

MR. R. M. STATHAM (*Director of Public Instruction*) : Yes, they are on record.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : May I know whether the Principal of the Training College informed the other applicants that their applications were rejected because the appointment was to be given to a permanent man?

MR. R. M. STATHAM (*Director of Public Instruction*) : Not to all. Only to those persons who went and saw the Principal and the Director of Public Instruction.

PRESIDENT : Have you to tell every candidate what you are going to do?

MR. R. M. STATHAM (*Director of Public Instruction*) : No, Sir.

LEGISLATIVE BUSINESS.

THE TRAVANCORE LUNACY BILL.—(*contd.*)

PRESIDENT : The House will now resume discussion on the Travancore Lunacy Bill. Well, last evening we adjourned while we were discussing amendments to item No. (9), clause 42,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose this amendment. The scheme of the provision is this: If a person is found to be a lunatic, the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic. Thus he is given authority to take charge of the person as well as the property of the lunatic. The Division Peishkar has there-upon to appoint a manager of the estate and he may also appoint a guardian of the person of the lunatic. The Division Peishkar has to take charge of the estate. In case of the person, if he considers it necessary, he may appoint a guardian of the person, or leave the person, as it is, to look after himself. Very often a person may not be able to manage his own affairs but at the same time he may be quite able to look after himself. That contingency is contemplated in the previous clause, clause 41 sub clause (2), too. Even if this amendment is accepted the result will be the same as the existing clause. If the expression 'may' in the next clause is also amended, then there may be something different in substance and if that amendment is not made, there will be nothing gained in substance by accepting the present amendment. As such I think it is better to follow the wording of the Bill, as it stands, and it has the unanimous approbation of the members of the Select Committee; and whenever we can follow the corresponding Act in British India, it is better to do so. In other words, my contention is that it is better to follow the language of the Indian Act as well as the language accepted by the Select Committee.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Does the Law Member think that it is better to omit the clause ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : A word of personal explanation is necessary. Amendment No. 11 on the printed list of amendments, printed as an amendment to clause 47 should really come as amendment No. 10 under clause 42. That will be moved by me as No. 10 after we have done with the one we are discussing.

PRESIDENT : The mistake has already been brought to my notice. We may discuss this on the understanding that the other will come up in its right place and time.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If that amendment is accepted there is a change in substance. But, I oppose both.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*) : The Law Member said that the present clause is supported by a large number of members of this House. There are in the world some people who want to get other people's property and when a lunatic happens to be the owner, his life may be in danger. The lunatic cannot be expected to seek remedial measures before a competent officer. If therefore the lunatic is in possession of movable property, the people or even his relations, will cause him injury; perhaps even death may be inflicted upon the

poor unfortunate lunatic. On the otherhand, apart from property, there is some little good feeling towards a lunatic on the part of his relations. He won't be allowed generally to kill himself or to jump into a well or throw himself into the fire. In case there is a close relation such as a father, brother or sister, it may be even better. So this clause gives a double protection. So I hope Mr. Krishna Pillai will consider this aspect of the question also.

MR. PUTUPALLI S. KRISHNA PILLAI (*Quilon II*): I am afraid I am not correctly understood. There are three sections, sections 41, 42 and 43 dealing with this particular matter, that is, conferring jurisdiction upon the District Court to pass appropriate orders for taking into charge the property and person of a lunatic. In the first section, as I have already pointed out, if the lunatic is unable to take care of his property but is able to take care of himself, the court need not appoint a guardian of the person of the lunatic. The other two are the sections which deal with cases contemplated by section 41. If he is a person who owns immovable property the court shall direct the Division Peishkar to take charge of the property and the person of the lunatic. The court is bound, in such a case, to deliver both the person and property to the Division Peishkar even in cases arising under section 41. Section 41 further gives a discretion to the Division Peishkar to appoint or not to appoint a guardian for the person of the lunatic even when the lunatic is handed over to him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I think that Mr. Krishna Pillai has not understood the point that I was trying to impress. The section does *not* provide that the courts shall *deliver* the custody of the person and property. What it says is that the courts may pass an order affecting custody also of the lunatic. Such order merely confers an authority on the Division Peishkar to act. How he should act is mentioned in sub-clause (2). It says that the Division Peishkar may appoint a guardian, if he so desires, to a lunatic's person. He can exercise that authority if he desires to do so. He may do it either immediately or some time hence.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Then what is the Division Peishkar to do with the lunatic when he takes charge of him?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He may apppoint a guardian for the person.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If he does not, in whose custody will he be?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He will be as before. He will not be in the Peishkar's custody at all.

PRESIDENT: The consideration of the question of custody will arise according to the degree of lunacy.

MR. A. THANU PILLAI (*Trivandrum-Rural*): According to the section, is not the Division Peishkar bound to appoint a manager as soon as he takes charge of the person of the lunatic?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Only if he thinks it necessary will be appoint a guardian of the person.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Is it not obligatory that a manager should be appointed whenever the Division Peishkar takes charge of the lunatic?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : We are dealing with section 41. It says that the court *may* pass orders............and the Division Peishkar *may* appoint a guardian. The section says only that.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : The court may direct the Division Peishkar to take charge of the lunatic. So, is not the Division Peishkar bound to take charge of the person of the lunatic?

PRESIDENT : It is not obligatory. The section confers an authority on the Peishkar to appoint a manager for the estate and appoint a guardian of the person. The first condition is obligatory on him and the latter is giving him a discretion. Whenever there is a necessity he will appoint a person.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : The first section requires that in every case in which the Division Peishkar takes charge of the lunatic, he should appoint a guardian for him. Am I right?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If he thinks necessary he can appoint a guardian.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : If he does not think it necessary, does it mean that he can keep a lunatic in his custody?

PRESIDENT : I do not think he will take that risk.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : In every case in which the Division Peishkar takes custody of the lunatic, does the section say that he can avoid appointing a guardian?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); The Division Peishkar may naturally appoint somebody to take charge of the lunatic, if it is a case that requires it.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): If the Division Peishkar refuses to take charge of the lunatic, can the District Judge order him to do so?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : What the section says is that he *shall* take charge of the estate and *may* appoint a guardian of the person.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In case he does not appoint a guardian, what is to be done?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*: Sub-section (2) says that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Will not a relative of the lunatic be anxious as to what will be done with him ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : He will not be in the hands of the Division Peishkar.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) According to the definition of the lunatic, an idiot can be considered to be one such. He may be an innocuous person. Suppose the Division Peishkar keeps him in his house as a plaything.

PRESIDENT : That is a risky experiment. (*Laughter.*)

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : As understood in the popular sense, should not the law compel the Division Peishkar to appoint somebody as the guardian of the person ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If Mr. Krishna Pillai thinks that the Division Peishkar will use the lunatic as his slave, let Mr. Krishna Pillai himself table an amendment as to what should be done with a lunatic. I am prepared to consider that.

PRESIDENT : Although I cannot apply any legal mind to any problem which is being discussed so hotly between well-known lawyers, to my plain thinking, the only conclusion that is possible by a reading of the section, appears to be, that the District Court has been given certain powers. That power being to authorise the Division Peishkar to take charge of the person and the estate of the lunatic. When the first order is made by the District Court, it does not issue in the shape of a peremptory injunction that a Division Peishkar *shall* take charge both the person and property. It, in the first instance, gives a discretion to the Division Peishkar. Thus whenever an order has been passed by the District Court there arises an obligation on the part of the Division Peishkar. The first obligation that arises is that the Division Peishkar shall thereupon appoint a manager to the estate. He cannot get out of that. But in regard to the appointment of a guardian of the person, the matter is still left to the discretion of the Division Peishkar. If in the light of the facts of the case the Division Peishkar thinks that the guardian of the person should also be appointed, he does so in exercise of the power that is given to him by the District Court. But if he thinks that the facts of the case do not justify the appointment of a guardian to the person, he leaves the matter in *status quo*, perhaps watching in the meantime whether the exercise of that power would become necessary at any stage at all and if the exercise of that power does arise, he has got the permission of the District Court already and he exercises it at once when that contingency arises. But in regard to the property, it is an obligatory duty on him to appoint a manager. That I understand is the distinction that is sought to be obtained by clause 42.

The question is, in sub-clause (1), line 3, for the words 'person and estate of the lunatic' substitute the words 'estate of the lunatic and if necessary his person.'

The amendment was put to vote and lost.

PRESIDENT: There is, as I see, a printers' devil in the amendment sheet. Honourable members will notice that under clause 47, two amendments have been entered as 10 and 11. On an examination it is found, that No. 11 ought properly to go along with clause 42 and that No. 10 alone belongs to clause 47. So, No. 11 should be moved as No. 10.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In view of the decision of the House on amendment No. 9, I do not propose to move that.

PRESIDENT: The question is whether clause 42 do form part of the Bill.

The motion was put and agreed to.

The clause was added to the Bill.

Clauses 43 to 46.

The question that clauses 43 to 46 do form part of the Bill was put to vote and carried. The clauses were added to the Bill.

Clause 47.

MR. PUTHUPALLI S. KRISHHA PILLAI (*Quilon II*): I move that the whole clause be deleted and the remaining clauses be renumbered.

This clause deals with the class of persons who are qualified to act as the guardian of the person of the lunatic. That is a very important section. Clause 47 reads thus :-

> "The legal heirs of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the District Court or the Division Peishkar, as the case may be, for reasons to be recorded in writing, considers that such an appointment is for the benefit of the lunatic."

Therefore this disqualifies altogether the legal heirs of a lunatic. The corresponding provision contained in the British Indian Enactment is section 72. There the expression used is "the legal heir of a lunatic." Here the expression used is "the legal heirs of a lunatic". In other words, in the British Indian Enactment, the singular is used whereas here it is the plural.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). I question that. In my copy the expression used is the legal heirs.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In my book I find the singular used. This section happens to be considered in two cases. It is reported in I. L. R, 39 Allahabad, 158 and 15 Allahabad 29. In the 15 Allahabad case, the question arose as to whether the wife of the alleged lunatic could be the guardian of the person of the lunatic.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): You should know of what community.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I do not remember the religious persuasion of the parties of that case.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): A word of explanation, Sir. It is the community that I asked.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I have not got that information. In the 39 Allahabad case the parties were Mahomedans. They say " This Section is a little odd............It cannot mean that in the case of a wife she is necessarily an undesirable person to be appointed and indeed we can but endorse the established principle in English Law that a wife has the first claim, and when the section is carefully looked at, it would appear almost tautologous, for no appointment ought to be made which the court does not consider to be to the benefit of the lunatic" Halesburys Laws of England, Vol. XIX, paragraph 824, says that under English law the rule is just the reverse. The more remote a person's relationship the less is his qualification : and the closer his relation to a person the better would be the claim to be the guardian of the lunatic. The wife or husband has the first claim under the English law.

Here, under the system of law existing then, the section, as it stood under the old Lunacy Regulation, did not work much hardship. The several statutes that were enacted there-after, especially those relating to the Nayars, Vellalas and Ezhavas, have brought about vast changes in the law relating to inheritance and succession amongst those communities. Before these Regulations came into force the wife was not the heir of the husband and she would not have been under any disqualification whatsoever for the purpose of appointment as guardian of the person of an alleged lunatic. But the law has since been entirely changed. The only class of persons who would have been affected by this, as the law stood at the time of the old Regulation was in force, was the Muhamedans, amongst whom the wife and many other class of persons were heirs. But in regard to all the others, governed by the Hindu Law, the Marumakkathayam Law or the Christian Succession Act the wife never came in as the legal heir of her husband, so that this provision would not work hardship. Now so far as Nayars, Ezhavas and other classes of persons are concerned, this provision will exclude the wife altogether from the class of persons qualified to be guardian of the person of her lunatic husband. Under the English Law the wife is considered to be the best qualified to be the guardian of the person of her lunatic husband and no laws should be passed which would prevent a wife from becoming so. The section, as it stands, provides a disqualification for the wife altogether and her claims would be considered only in the absence of all others who have absolutely no interest in the lunatic, not only interest in the property but interest in the person also. Even today under the British Indian Lunacy Act, a Hindu- Nayar, Vellala, Ezhava or Christian wife is not within the prohibited or suspected class. Are we not copying section 72 of that Act without realising its full significance without realising that the law of inheritance here is entirely different from the law of inheritance elsewhere. This anomaly, this absurdity, cannot be avoided by an amendment. You will find it more prominently clear when you consider the case of the mother.

I therefore think that the section may be entirely deleted as being thoroughly unsuited to the conditions of the system of inheritance available in this country. When the question of appointment of a guardian comes up before the court, it is the ordinary rule that the permanent consideration which weighs with the court is the interest of the person for whom the guardian is appointed. It is not the interest of the person appointed as guardian but it is the interest of the person for whom the appointment is made. That is the general principle applied whenever it is called upon to appoint a guardian. And if that is so, Sir, should we prohibit or disqualify some of his relations, so that, only in the absence of all the others who are not the relations of the lunatic, the case of a person who is his heir may be considered? My humble submission is that it would be improper. When the statute says that such and such persons shall not be appointed, the court has to find out some excuse for appointing one from that class. The claims of the heirs could be considered only after disposing of the claims of all others and even when the heir is chosen, the court has to offer some excuse. In dealing with section 16, the Select Committee discarded the provision in the British Indian Act and accepted the English law on the subject. It is the English law and the Indian law which do not disqualify the wife and the mother that should be followed.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I beg to second it.

MR. S. J. NAIR (*Nedumangad*): I oppose the amendment, Sir. Out of the provisions of the Bill, clause 47 is the most beneficient, and the amendment proposed gives a suggestion to include legal heir alone as the guardian of a lunatic. But clause 47 reads thus:

> "The legal heirs of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the District Court or the Division Peishkar, as the case may be, for reasons to be recorded in writing, consider that such an appointment is for the benefit of the lunatic."

If that is the case, certainly the legal heir of the lunatic would become the guardian of the lunatic. There is no difficulty in it and there is no need for the amendment suggested. My friend suggested, as an example of the case, a Nayar lunatic, a rich person, a person who has amassed plenty of wealth, all self-acquired property, becoming insane and consequently becoming a chronic lunatic and himself as having as his wife, say a young handsome healthy wife who is in the bloom of her life. Well, Sir, under the Nayar Regulation, the lady becomes the legal heir of all these self-acquired properties. Under the customs that prevail amongst the Nayars that lady could re-marry after the death of the lunatic. Suppose the lady is appointed as legal guardian of the lunatic; and the lady is tired of her husband who has become a chronic lunatic and that she is desirous or anxious to have a husband who is sane. Then the life of the lunatic would naturally be in danger, of course, not always, Sir, but at times.

PRESIDENT: What you wish to point out is about the riches?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether his contention is that the ordinary rule is that wives will not be virtuous ?

MR. S. J. NAIR (*Nedumangad*): So far as legal provisions are concerned, there must be protection for any and every contingency. Clause 47 is a very useful provision which says that, if the Peishkar or the court so desires, they can very well appoint the wife as the guardian. But if that lady is not virtuous and will not well conduct the guardianship, there is provision for not appointing her. So far as this Bill is concerned, clause 47 is, in my view, necessary.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I wish to say a few words. Yesterday, Mr. Krishna Pillai, when talking on some other amendments, preferred English Law to the Indian and today he prefers the Indian law to the English law. It is quite legitimate to him to establish his arguments in that manner. I would congratulate my friend in doing so. The discussion, however, proceeds evidently on a misconception. Although I have looked into this section both in the Select Committee and afterwards and, even after listening to the arguments of my friends, I am still of the very definite opinion that this section does not take away the power to appoint a class of relations as guardians. My friend was referring to the Penal Code. I may refer to the Abkari Regulation. We find that the rules empower a small officer to conduct searches in a house after recording reasons If an officer is entrusted with the task of appointing guardians and vested with a discretion he will certainly think about it very carefully and will go into all the aspects of the question.

Much has been said by my friend Mr. S. J. Nair about the Nair women and Nair men. People of one community may be as good or as bad as the members of another community. But these comparative considerations have very little to do with this matter. It is the glory of civilization and of this country that this large majority of wives are virtuous. Women in one community are as virtuous as those of another.

The argument of Mr. S. Krishna Pillai raises certain other points. It has been pointed out that because the Judges of the Allahabad High Court took a certain view we should be very careful. I am one of those who are of the firm opinion that the wisdom of the legislature is superior to the wisdom of the Judges. The Legislature should take pains to correct the mistakes of the Judges. I place that argument before the House so that in preference to our deliberate opinion the opinion of the Judges should not be taken. I know a case in which it took twenty years to correct their mistakes. I remember the famous case Gujju Lal *Vs.* Fateh Lal in which the Judges created difficulties which they and other eminent Judges took many years to solve. A quietus was ultimately given by the ruling in the Collector of Gorkakpur *Vs* Palakdhari Singh So in these matters the Judges are not the persons to give the finalword. My friend also stated other reasons. The death penalty in cases of murder has been mentioned. That raises a very

[Mr. T. K. Velu Pillai.]

important question. In England that question has been raised and people like Sir James Stephen who have written monumental books, have maintained the retention of the extreme penalty in the Statute Book. In a comparatively less important country, Italy, that penalty has been stopped. Many years have lapsed since Beccaria advocated its abolition. The standard is very difficult. All that apart, I am of the view and, I wish to be understood in a right spirit, that this provision does not take away the power of the public authority to appoint a close relation as a guardian. If the officer is satisfied that the close relation is such that there will be no danger in appointing such a person that person may be appointed. The only condition is that reasons should be recorded. When an officer exercises a judicial discretion on that matter he will appoint only suitable persons. An officer is after all endowed with human feelings. The only question then is whether the rights of an individual are infringed. The law presumes that the Government servant will do his duty according to law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know what is the harm if the full discretion of the appointment is given to the court?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): The court has got full discretion. It has only to be regulated by law. We are now framing the law.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the law is necessary for the confinement?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Yes, otherwise recording reasons will be valueless. This clause makes only an adequate safeguard. Ordinarily a close relation, for various reasons, may take interest in the person of the lunatic. But there may be cases in which the vindictiveness and sordidness of human nature will assert itself and conquer the noble feelings. If all people are virtuous then no legislation is required. My point is that there is nothing wrong in maintaining this clause. The matter was fully discussed in the Select Committee. By that I do not mean that the members who were not in the Select Committee should assent to it and not argue their cases. When the Law Member said that the Select Committee considered it, I think, he only meant that these points were considered there. That is all and nothing more. While appreciating the difficulties of my friend Mr. Krishna Pillai, I may assure him that there is absolutely no inherent danger in retaining the present clause. The Government will appoint only the right sort of people and every thing will be safe. I therefore maintain that this clause may be retained and hope that my friend Mr. Krishna Pillai will take a liberal view of the matter.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Sir, I admit, a great deal of discretion has to be vested in the court in the matter of choosing persons to be appointed as guardians of lunatics and persons of unsound mind. But in this section that discretion is sought to be restricted and restricted in the wrong way.

If the section had provided that ordinarily a close relation such as is contemplated by the section should be appointed as guardian, and if the Magistrate thinks for good reasons to be stated in writing that any particular heir is unfit to be a guardian he might refuse to appoint him, no exception could have been taken to it. But what does this section say? Ordinarily no legal heir of a lunatic can be appointed as guardian but in exceptional cases he or she may be appointed and when the Magistrate appointed a legal heir as guardian proper reasons should be recorded by him for the appointment. This is reversing the natural order of things. According to the Nayar Regulation, for instance, a mother is a legal heir, the children are legal heirs, and the wife is a legal heir. These are exactly the class of persons from whom one would ordinarily select a guardian for a minor or a lunatic. Therefore if the Peishkar or the court wants to appoint even the mother as the guardian he will have to record proper reasons for so doing. What are the special reasons which a court can state for appointing the mother as guardian? Ordinarily we know why the mother should be preferred, because she is presumed to love her children and care for them more than any other person. There is no reason why the court should be prevented from raising the natural presumption and to invent reasons for appointing a mother as guardian. It is preposterous to ask a court in such a case to state that she is a good mother, a loving mother and so forth and therefore I appoint her In the case of a lunatic, the legal heirs are the best persons to be appointed as guardians and no presumption ought to be raised against their fitness for the same.

Of course, there may be exceptional cases where a particular heir may be unfit to be appointed as guardian and in such cases the court must be called upon to record the reasons for its opinion. The best consideration that should weigh with the court in the matter of the appointment of a guardian is the interest of the lunatic and the interest of the lunatic will be served by the appointment of a blood relation rather than a stranger. But if this section is allowed to stand the District Court or the Division Peishkar will always have to appoint, ordinarily, a stranger as the guardian of the lunatic even though he has his mother, wife and children living who are capable of looking after the lunatic because all these come under the term "legal heirs". The interest of the lunatic, instead of being advanced by the section, only suffers by it. I submit, therefore, that unless there are very good reasons showing that such legal heirs, as the mother, wife, and children are unfit to take charge of the person of the lunatic, a guardian should be chosen from among them. Therefore the prohibition against heirs being ordinarily appointed as the guardians must be taken away either by deleting or suitably amending the clause Even if it is deleted, it does not matter, because then it will give a wide discretion to the court or the Division Peishkar in appointing a guardian of a lunatic. In exercising that discretion, I have no doubt, they will have to take into consideration the circumstances of the country, and the nature of the persons to be appointed,

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He would ordinarily appoint a relation who may also be a legal heir and, when he does not so appoint, he will give reasons for not so appointing. Therefore there is no harm in deleting this section. If, on the otherhand, the section is to be retained, the presumption should be reversed. The presumption should be that the legal heir is the best guardian. He should ordinarily be appointed as the best person who would take the greatest interest in the lunatic and when the court does not so appoint a legal heir the reasons therefor should be asked to be given. I think, therefore, there is no harm in deleting this section leaving the entire discretion to the court or the Division Peishkar to determine whom they will appoint as the guardian of a lunatic.

PRESIDENT: The House will now adjourn and meet again at 2 P. M.

The Assembly adjourned at 1 P. M. and reassembled at 2 P. M., the Deputy President presiding.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, after anxious consideration, I find myself unable to refrain from supporting the amendment. I take it that the principle of the clause is that a near heir could ordinarily be expected to have a direct or indirect interest in the death of the lunatic. Consequently he should not be appointed as a guardian unless, for special reasons, the court orders otherwise. That, I believe, is the principle embodied in clause 47. We cannot however forget the fact that persons who happen to be the legal heirs under all systems of inheritance have ordinarily the greatest interest or are likely to have the greatest interest in the lunatic himself. Natural love and affection would prompt them to have the greatest interest in the welfare of the lunatic. There is, therefore, a conflict of principles, the principle that the legal heir would have a direct or indirect interest in the death of the lunatic in conflict with the other principle, that on account of natural love and affection, he would have the greatest interest in the welfare of the lunatic. When there is such a conflict of principles, the best thing, in my opinion, is to delete the clause altogether and leave the matter entirely to the discretion of the court. Let the court decide as to who should be the best person. When we, therefore, consider the amendment carefully the principle embodied in this clause must not be there. It is said it would be a good direction to the court and the Division Peishkar. But then more or less it should agree with the principles already explained by me. The legal heirs, as I said, are generally the blood relations, the mother, father, the son or, in some cases, the wife for the husband and *vice versa*. Ordinarily the legal wife or husband or other blood relations will take the greatest interest in the welfare of the lunatic. My submission, therefore, is that there is a conflict of principles and, under the circumstances, the best thing will be to drop the clause altogether. In that view I support the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to oppose the amendment. As already pointed out by Honourable members, this clause does not prohibit relations being appointed as the guardian of a lunatic. The term 'legal heirs' may, perhaps, be given different interpretations. But the discussion on the motion is not centred round the term 'legal heirs'. 'Legal heirs' may be taken to mean near relations. No doubt, under the principle of English law, there is no heir to a living man, *Nemo est haeres Viventis.* If that view has been pressed and if that technicality has been made against the expression, I would readily have accepted it, perhaps. But, as it is, that is not the amendment. What the amendment wants is to delete the clause altogether and delete the principle embodied in the clause. Viewing from all aspects, the principle embodied is a very important one and I request the House to consider it carefully.

Firstly, let me say that this clause does not *prohibit* near relations being appointed as guardians. All that it says in effect is "when you propose to appoint a relation as a guardian, consider it well."

The discretion is always in the court. The court should see that the guardian is appointed for the benefit of the lunatic, whether guardian be a relative or not. This clause mearly says that, "If you are going to appoint a guardian look at the person specially. Here is a relative to be appointed as guardian. See whether it is for the benefit of the lunatic and then appoint". If the clause is omitted, a relation will be appointed guardian of the person of the lunatic as a matter of course. There may be danger in appointing a relation or in some cases there may not be any danger.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*): In that case will it not create a tendency on the part of the officers to pass over the claims of the relatives?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): No, Sir, I do not think so. It only says "Beware in appointing relatives. Consider whether such appointment is for the benefit of the lunatic. Consider that aspect and determine what is best for the lunatic."

MR. M. SIVATANU PILLAI (*Tovala*): What is the sort of danger that the member anticipates by appointing a relative as guardian?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The lunatic may be let even to die. He may not be looked after. His i terest may not be cared for. When a relative is given the custody of a lunatic person, many things may happen. Some relations may be interested in the death of the lunatic. They may be interested in treating him as a lunatic as long as possible. I know personally instances of such cases. I shall allude to one such instance that has come to my personal knowledge if the House will permit me to do so. There was a well-known Anglo-Indian gentleman who was in Travancore, sometime ago, in affluent circumstances. But for some reason or other he and his wife were not pulling on on good terms.

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What the lady did was to take her husband to Madras, and there got somebody to certify that he was a lunatic and clapped him in an asylum. And then the lady tried to be appointed guardian of the property of the alleged lunatic. There was no person to look after the gentleman's interests because the property was in the hands of the wife and the wife was supposed to be the best person to see whether her husband was a lunatic or not But later on, however, when a kind friend of the gentleman happened to know this, he fought out the matter and one of the then lions of the Madras Bar, Mr. Norton, argued the case before the Madras High Court and got the man declared sane. Such cases are, no doubt, very rare but a wife may sometimes be interested in confining her husband. So there may be danger. I am not saying that a relative is a wicked person nor can you say that every relation is a virtuous person. I am only saying " Beware of the relative ".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So, according to the Law Member, will there be a change of law in the general guardianship also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am coming to that. The legislators were very wise then and they adopted a very similar provision when the Guardianship Law was passed.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Is not lunacy a set of stock defence in criminal cases sometimes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). Yes.

When I heard of the arguments in support of the amendment, I was, for the moment, taken aback and thought that I had, perhaps, committed a dastardly crime in this Bill. In the meanwhile, I was looking into the previous allied legislations to see what provision was accepted then. The existing Lunacy Regulation is Regulation I of 1080. The provision there is section 14, para (2).—

> " No person being the next legal heir of a lunatic or appearing to have a direct or indirect interest in the death or continued disqualification of such lunatic shall be appointed a guardian of the person of such lunatic, unless the court is satisfied, for reasons to be recorded in writing, that it will be for the welfare of the lunatic to appoint such person as guardian. "

It is only this very same provision that is put here excepting that I have substituted the expression "legal heirs" for the expression "persons.....................lunatic ".

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I wanted to know from the Law Member is, according to his argument, would not a change be effected in the general law of guardianship.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) No.

DEPUTY PRESIDENT: When there is a special Regulation and when there is a provision in that Regulation it does not affect the general law.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I want to know whether a change in the general law should not also be effected.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No, Sir because there is already a provision there, exactly as it is in my Bill. The general law of guardianship is the Guardian and Wards Regulation. What is the provision there? The provision is contained in section 13 sub-section (3) which is as follows:

> "No person being the next legal heir of a ward or appearing to have a direct or indirect interest in the death or continued disqualification of such ward shall be appointed a guardian of the person of such ward, unless the Court is satisfied, for reasons to be recorded in writing, that it will be for the welfare of the minor to appoint such person as guardian."

PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Will the member read section 16 also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Section 16 reads:

> "Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person—
> (a) of a minor who is a married female and whose husband is not, in the opinion of the Court, unfit to be guardian of her person, or
> (b) of a minor whose father or karanavan is living and is not, in the opinion of the Court, unfit to be guardian of the person of the minor."

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Does it not take in its view the cases of karanavars, father, son and wife as being exempted from those coming within the category contemplated by section 13?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : May be. But the thing, general prohibition, is there. The whole means that the court should consider the aspect of the relationship.

So then this amendment is entirely against the provision that has been accepted in the existing Lunatic Regulation and in the General Law of Guardians and Wards.

PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That section deals with the next legal heir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do understand that. The fight is not now about the word; we are at the principle. The amendment proposed is to take away the clause altogether and the principle embodied in it. I could very well have appreciated if the amendment was for the terms 'legal heirs' being substituted by the terms in the existing Lunacy Regulation or in the Guardian and Wards Regulation. What I object to is, and what I request the House to consider is, the taking away altogether of the principle embodied in this clause "namely, if a near relation is to be appointed, beware".

The relations are not prohibited from being appointed as guardians. If the amendment is accepted, there will be no provision whatever in the Bill to tell the court "Beware when you appoint relations". Certainly, if the House does not want the court to be asked "Beware," by all means, accept the amendment. But to me it appears that it is a very

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wholesome provision and it does not take away the right of relatives as it does not prohibit relatives from being appointed guardians of lunatics. It only tells the court "Please Beware and then pass orders".

Very often, in 99 cases out of 100, certainly the court will declare only a relative as the guardian. But the court should consider whether the particular relative is the best guardian. It is only that that the section wants. As I said, this is not a novel point. That has been accepted in the existing Lunatic Regulation of 1080 and in the Guardian and Wards Regulation and in the Indian Act. So that, if the question is considered on principle, it seems to be that the principle is one which ought to be accepted. Any other amendment I am certainly prepared to consider. But, I think that the House will be taking a very serious responsibility in throwing out the principle and laying down that no consideration whatsoever should be adverted to when the court thinks of appointing a relative as the guardian. I therefore oppose the amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I know whether the member proposes to bring it as an amendment at the third reading of the Bill?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) · Which amendment?

MR. R SAMBASIVA AIYAR (*Kunnatnad II*): The expression "legal heirs" may be amended as the "next legal heirs".

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said, if the discussion is focussed........

DEPUTY PRESIDENT: I want to make it clear that in the course of the discussion any such agreement as is contemplated by Mr. Sambasiva Aiyar would not be quite proper. We are concerned with the merits of the question now. The possibility of the amendment in the third reading ordinarily ought not to count with this House now. That is the principle that ought to be followed.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the Law Member would be using the same phraseology as in the Lunacy Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I don't know. It is for the House to say.

MR. M. SIVATANU PILLAI (*Tovala*): Is it the member's view that no legal heir or heirs would be appointed, if in the opinion of the District Court or the Division Peishkar, for reasons to be recorded in writing, that such appointment would be in the interest of the lunatic?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I cannot speak on that at present.

MR. M. SIVATANU PILLAI (*Tovala*): I am putting the question only in the reverse way.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I would rather stand by the existing law, as embodied in the Lunacy Regulation, in the Guardian and Wards Regulation and in the Indian Act.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Sir, the objection raised to clause 47 is more sentimental than substantial. That is what appears to me. For, the paramount consideration for the Division Peishkar or the District Court in appointing a guardian for a lunatic is the benefit of the lunatic. That is very clearly provided for. Clause 47 says:

> "........unless the District Court or the Division Peishkar........consider that such an appointment is for the benefit of the lunatic."

So much being assured, the way in which the clause has been drafted, casting a *prima facie* slur upon the legal heirs, is a matter of mere sentiment so far as I can see. It has been pointed out, by learned members who were good enough to express an opinion on this clause, that the English law on the subject is different. Indeed, that being so, it is a conscious change that has been resorted to by the Indian Legislature in enacting the Lunacy Act of 1912. Not only that. That Act was subsequently amended in 1922 and still this provision was not disturbed. When, therefore, one Legislature, acting on the model of some other legislative enactment, proposes a conscious change, naturally there must be some good reason for the change as, for instance, Mr. Krishna Pillai himself, for certain apparent reasons, now wants a conscious change from the British Indian Enactment which has been mainly followed in the present instance. All these long years the provision in the Bill has been standing as law. It was also in the old Lunacy Regulation of Travancore though not in identical terms. Under such circumstances a very strong case will have to be made out before the clause can be turned the other way about.

Certain cases of suspicion by the Legislature have been pointed out by my friend, the Law Member. Indeed, the Legislature does suspect certain persons, in the light of experience and human nature. For example, in the case of statements recorded by the Police during the course of their investigation, although there may be very honest Police officers, the Legislature says, on account of the interest of the Police in the matter, that they cannot be admitted as evidence for consideration by the courts. Similarly, in the Guardian and Wards Act, certain near relations, who have a presumed interest in the minor or in the minors' property, are excluded from guardianship. Again, in the Civil Procedure Code, when there is any adverse interest on the part of the proposed guardian, *ad litem* even if such guardian happens to be the father or the husband of the minor, the court excludes such guardians. Such precautions are taken to ensure fairness in dealings before courts. That is all that is intended by this provision.

Further, it may happen that the near relation is a dependent of the lunatic. For example in clause 49 it is provided:

> "(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Division Peishkar, as the case may be, for the maintenace of the lunatic and such members of his family as are dependent on him for their maintenance."

[Mr. P. K. Narayana Pillai.]

Similarly, clause 61 provides for the maintenance of the dependants of the lunatic and for the enforcement of such claims for maintenance against the estate of the lunatic. Suppose a person who is to get maintenance from a lunatic is appointed guardian. It may be very awkward for such person to enforce his claims against the lunatic while acting as his guardian. Provision is therefore made for proper distribution of such amounts. These difficulties may also arise. The organisation of the Indian family is such that many possible heirs of a lunatic may be depending upon him for their maintenance. In such cases it may be rather inconvenient for the guardian to carry on effectively the guardianship of the lunatic. Take, for instance, the case of an ordinary Hindu wife. She may not have the wherewithal to carry on the guardianship. She may have to resort to the property of the lunatic. In such cases it may not be to the best interests of the lunatic that the wife, though she happens to be his nearest relation, should be his guardian. Therefore, the Legislature, in its wisdom, has provided that the benefit of the lunatic shall be the paramount consideration in the appointment of any guardian. Of course, there may be rich wives who may be in a position to carry on the guardianship effectively and to command the necessary funds for the upkeep and the treatment of the lunatic. Certainly, in such cases, it is for the benefit of the lunatic to appoint the wife as his guardian.

In view of the ordinary organisation of the Indian family, where so many in the family may be depending upon one member of the family, it is not generally desirable to create a preferential claim in favour of the nearest relations. It is quite safe to give full discretion to the court and to the Division Peishkar. Further, in the present instance, the provision has been in force for so many years and has not been found to work unsatisfactorily in any case. In view of that also, I beg to submit, there need not be so much opposition to the clause as it stands at present.

MR. T. P VELAYUDHAN PILLAI (*Tiruvalla III*): I move for a closure.

DEPUTY PRESIDENT: I am sorry I cannot allow that motion now. Mr. Varughese may speak.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, എന്റെ മാന്യസ്നേഹിതൻ മി. പുതുപ്പള്ളി കൃഷ്ണപിള്ള ഇവിടെ അവതരിപ്പിച്ചിട്ടുള്ള ഭേദഗതിയെ അനുകൂലിക്കാൻ നിവൃത്തിയില്ലാത്തതിനാൽ ഞാൻ വ്യസനിക്കുന്നു. ഭേദഗതിക്കനുകൂലമായിട്ടും പ്രതികൂലമായിട്ടുമുള്ള പല മാന്യന്മാരുടേയും അഭിപ്രായങ്ങൾ ഞാൻ ഇവിടെ കേട്ടുകൊണ്ടിരിക്കയായിരുന്നു. ഞാൻ ഈ ഭേദഗതിയെ പ്രതികൂലിക്കുന്നതു ഭേദഗതിപ്രയോക്താവിന്റെയോ അല്ലെങ്കിൽ ഇതിനെ അനുകൂലിച്ചു പ്രസംഗിച്ചവരുടേയോ നേർക്കുള്ള അനാദരവുകൊണ്ടോ അല്ലെങ്കിൽ അവർ പുറപ്പെടുവിച്ചിട്ടുള്ള വാദങ്ങളുടെ വിലക്കുറവുകൊണ്ടോ അല്ല. മറുഭാഗത്തുനിന്നും ഭേദഗ

തിയെ എതിൎത്തു പുറപ്പെടുവിച്ച അഭിപ്രായങ്ങളും ഞാൻ കേൾക്കയുണ്ടായി. ഇരുഭാഗക്കാരുടേയും വാദങ്ങൾ കേട്ടശേഷമാണു ഞാൻ ഇതിനെ പ്രതികൂലിക്കാൻ ഒരുമ്പെട്ടതു്. ഈ അവസരത്തിൽ സാധാരണ മനുഷ്യപ്രകൃതം നന്മയിലേക്കാണൊ തിന്മയിലേക്കാണൊ പോയിക്കൊണ്ടിരിക്കുന്നതെന്നുകൂടി ആലോചിക്കേണ്ടതായിട്ടുണ്ടു്. അങ്ങനെ നോക്കുമ്പോൾ ഈ ഭേദഗതിയുടെ ആവശ്യകതയും അനാവശ്യകതയും തീരുമാനിക്കാവുന്നതാണു്. ലോകത്തു പലജാതിമതസ്ഥന്മാരുമുണ്ടു്. ക്രിസ്തുമതത്തെപ്പററി പറയുകയാണെങ്കിൽ ലോകത്തിൻെറ ആരംഭകാലം മുതൽക്കുതന്നെ ദൈവകല്പനയെ ലംഘിച്ചുതുടങ്ങിയതായിട്ടാണു കാണുന്നതു.

DEPUTY PRESIDENT: That does not arise.

MR. N. E. VARUGHESE (*Tiruvalla I*): മനുഷ്യസ്വഭാവം എങ്ങനെയാണു എന്നു കാണിക്കുവാൻവേണ്ടി പറയുകയാണു്.

DEPUTY PRESIDENT. You can. certainly, legitimately speak about the Christian Law of Inheritance so far as it has any bearing on the present subject, but the violation of the Command of God by our first ancestors need not come in at all.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഇതിനെപ്പററി ഞാൻ പ്രസ്താവിച്ചതു ആദ്യമനുഷ്യൻ എന്നു ഞങ്ങൾ വിചാരിക്കുന്ന ആളിൻെറ ഗതി തിന്മയിലേക്കായിരുന്നു എന്നു കാണിക്കാൻ വേണ്ടിയാണു്.

DEPUTY PRESIDENT: Mr, Varughese, there need be no discussion about my ruling you may proceed with your next point.

MR. N. E. VARUGHESE (*Tiruvalla I*:) മനുഷ്യർ അനുസരണക്കേടുള്ളവരായിട്ടു കാണപ്പെടുന്നു. അസൂയകൊണ്ടോ മറെറാ ഒരു സഹോദരൻ മറെറാരു സഹോദരനെ കൊലചെയ്യുന്നു. ഇങ്ങനെ ചിന്തിച്ചുനോക്കുമ്പോൾ മനുഷ്യപ്രകൃതം ഏതുകാരണവശാലും ദോഷത്തിലേക്കാണു ചാഞ്ഞുകൊണ്ടിരിക്കുന്നതെന്നുകാണാം. ഇതു തന്നിലടങ്ങിയിരിക്കുന്ന ഏതൊ ഒരു രഹസ്യശക്തിയുടെ പ്രേരണകൊണ്ടാണു. അതിനാൽ സ്വത്തിൻെറ അവകാശിയായിത്തീരാവുന്ന ഒരാളിനെ സ്വബോധമില്ലാത്ത ഒരാളിൻെറ രക്ഷകർത്താവായി വയ്ക്കുന്നതു ഒട്ടുംതന്നെ ബുദ്ധിപൂർവമല്ല. സ്വബോധമില്ലാത്ത ആളിനോടു കരുണ കാണിക്കുമെന്നു ഡിവിഷൻപേഷ്കാർക്കു തോന്നുന്ന ഒരാളിനെ രക്ഷകർത്താവായി നിയമിക്കാൻ നിയമത്തിൽ യാതൊരു തടസ്സവുമില്ല.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I move for a closure.

The motion was put to vote and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : It is rather a surprise to me that the discussion has drifted off the main point that is before us. I do not want to take up the time of the House by referring to previous legislations on the subject.

The learned Law Member who referred to previous legislations on this point and expressed satisfaction that, after all, there was nothing wrong in this, could very well have borne it in mind when this Bill was drafted. Let us first take the Guardians and Wards Regulation into consideration. Section 13, sub-section (3) reads thus—

> "No person being the next legal heir of a ward or appearing to have a direct or indirect interest in the death or continued disqualification of such ward shall be appointed a guardian of the person of such ward, unless the Court is satisfied for reasons to be recorded in writing, that it will be for the welfare of the minor to appoint such person as guardian."

This must be read subject to sections 4 and 16 of the Regulation. Section 16 says:

> "Nothing in this Chapter shall authorise the Court to appoint or declare a guardian of the person—
>
> (*a*) of a minor who is a married female and whose husband is not, in the opinion of the Court, unfit to be guardian of her person, or
>
> (*b*) of a minor whose father or karanavan is living and is not, in the opinion of the Court, unfit to be guardian of the person of the minor.'

Just consider, Sir, how far this section disqualifies the husband, the karanavan or the father of a minor from acting as guardian. Also please note that the expression used is *next* legal heir. Under the system of inheritance prevailing amongst marumakkathayees the mother, father, son, wife, karanavan or brother, was never the next legal heir and the provision of section 13 did not impose any disqualification upon such relations.

DEPUTY PRESIDENT Have not the conditions of the Nair families undegone considerable change?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, it has. That is the very reason why this expression "legal heirs" should not find a place in this Bill. It is abundantly clear from this that the law did not look upon such persons with suspicion to start with. Let us turn to the British Indian Lunacy Act. It refers to "the legal heir." It is the singular that is used. That is significant. Here we have "the legal *heirs*." What is the significance of this change?

DEPUTY PRESIDENT: Is there not a rule of interpretation that the singular includes the plural in laws?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Not always. Here it is stated "legal heirs". It would also be noticed that in the 39 Allahabad case the learned Judges, whether they were good Judges or bad Judges, have their opinion about this expression.

DEPUTY PRESIDENT: The question of Judges being good or bad does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Sir, I am telling this House about the opinion of two judicial officers on this question.

Let us now turn to the old Lunacy Regulation, Regulation I of 1080. Section 14, para 2, reads thus:

"No person being the next legal heir of a lunatic or appearing to have a direct or indirect interest in the death or continued disqualification of such lunatic shall be appointed a guardian of the person, etc."

Let us take the case of marumakkathayees. Was the son at that time the next legal heir of the father? Was the father the next legal heir of the son? Was the wife the legal heir of the husband? The Legislature had, in contemplation, the natural affection which existed between the father and the son, the husband and the wife. The law did not prevent the father from being the guardian of his lunatic son; nor did it prevent the son being the guardian of his father. Same was the case of the husband and wife. Now all these persons are legal heirs. This provision looks upon them with suspicion and therefore disqualifies them. Was this contingency contemplated by the person responsible for the Bill? Was that change introduced consciously?

DEPUTY PRESIDENT: The Law Member is not responsible for this provision in this Bill. The Law Member only shares the responsibility with the other members of the Select Committee.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I referred the Law Member as the father of this Bill. This is a Government Bill and represents Government and he has got the responsibility to that extent. Why was that expression "next legal heir" omitted? Why was that little word "next" omitted? Is there anything obnoxious in it, or is it because it does not find a place in the British Indian Act? In British India the conditions are entirely different from the conditions prevailing here. Under the Hindu Mithakshara Law the wife is not the heir of the husband, nor the husband the heir of the wife. And then the mother is not a heir. That is the reason, I submit, why the British Indian Act stuck on to the expression "legal heir." In the English law the wife or husband shall be the first claimant for each other's guardianship. Without considering the exact and correct import of these expressions it is not proper to say that the provisions contained in the old Lunacy Regulation and the British Indian Act are as bad as ours.

DEPUTY PRESIDENT: I think it is my duty to point out that the expressions in the nature used by the member are not in proper form. It is one thing that a set of words may be used by Mr. Krishna Pillai to express an opinion different from that of the Law Member or of any other member of the House or of the Select Committee. But it is not in keeping with Parliamentary dignity to suggest that anybody who was responsible for the measure did not understand or care to understand the implication of the expression he used in the provision. It is perfectly open to Mr. Krishna Pillai to say that the words are capable of being interpreted in different ways. Please accept that suggestion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I am speaking only what I feel on the subject.

DEPUTY PRESIDENT: What the member expresses must be in conformity with Parliamentary practice.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Whatever there may be unparliamentary...

DEPUTY PRESIDENT: No, that is gone. You please proceed with your argument.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I have forgotten the trend of my argument, Sir.

DEPUTY PRESIDENT: I am sorry.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, in the hope that I shall confine myself to the expression of ideas, I seek permission to continue my speech.

DEPUTY PRESIDENT: You have got a right to speak. You do not want a special permission. Mr. Krishna Pillai, please proceed.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, a careful reading of the provisions contained in the Guardians and Wards Regulation, the Lunacy Regulation of 1080 and the British Indian Lunacy Act and a grasp of the full implications thereof will convince the House that all those who opposed my amendment are in the wrong.

DEPUTY PRESIDENT: It is perfectly Parliamentary. Only each man sees his own wisdom near and the wisdom of others at a distance

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am glad that I am in good company. Therefore no member shall rely on these 3 legislative enactments for the purposes of convincing any one that there is nothing wrong in that. My impression is this that this possible difficulty was not contemplated before or if it was contemplated it must be taken that those who are in charge of the Bill and those who are responsible for this report have got the greatest mistrust in all these legal heirs for whom I am fighting. To begin with, Sir, every father is expected to love his children, and every child is expected to have profound respect and affection for his father. There is no one like the mother who loves her children and any person who is opposing this amendment is sinning against the institution of motherhood.

MR. S. J. NAIR (*Nedumangad*): May I know from the member what would be the fate of a lunatic entrusted with his old and infirm mother as the legal guardian of the lunatic?

MR. PUTHRUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, that is a point on which there is some misunderstanding. As was stated very clearly by some of the members here, the matter is left to the discretion of the court and under no law now in force will a person be appointed who is unwilling to accept the position. No guardian will be appointed under any system of law who is either unwilling or unable. We are not speaking about crippled mothers. I do not say crippled mothers ought to be appointed. I am speaking of sturdy mothers.

MR. S. J. NAIR (*Nedumangad*); May I know under the circumstances, is it not better that the discretion of appointing the legal guardian is vested in the District Court as well as the Division Peishkar ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : That is exactly my point. But why should you call upon the court to say that a mother is a good mother, that she is a loving mother, before she is appointed guardian ? Why should you insist upon the wife getting a certificate that she is an unobjectionable person. It was, Sir, stated by one of the members that it was more a matter of sentiment than a matter of reason. That is not correct. It is a legal disqualification that is imposed and a remedy is suggested for removing that disqualification under limited conditions. That is not a sentiment, but a negation of a legal right. You should not disqualify a person and compel him to put himself to the painful necessity of drawing the court's attention to all his virtues in order to convince that he might be a very affectionate and proper guardian. Now coming to the other class of heirs, Sir, one Honourable member said, what about a Nair wife ? I was, at first, startled by the announcements made by the Honourable member but afterwards on calmer consideration, I thought there was nothing strange. The Nayar Regulation Amendment Bill is sufficient justification.

DEPUTY PRESIDENT : The Nair Regulation Amendment Bill is not a matter for discussion now before the House.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : It is only a reference, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, is it not a personal reflection to say at present that Mr. S. J. Nair is the author of the Nair Regulation Amendment Bill ?

DEPUTY PRESIDENT : That is why I did not allow Mr. Krishna Pillai to proceed.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Any wife has got a right to look after her husband and no one has got a right to start with a presumption against any person in the world.

DEPUTY PRESIDENT : There is no such presumption. So that any effort on the part of Mr. Krishna Pillai in answering that point may be dropped.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : We are not presuming that there is something wrong on the part of some members. Have we not come across cases of misunderstandings between husband and wife ? But to legislate upon the impropriety of appointing the husband or the wife as the guardian of the other—

DEPUTY PRESIDENT ; Unless you know it as a matter of fact, you shall not come under that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): All that I wanted to say was that in all civilised countries there is no such legal mistrust.

DEPUTY PRESIDENT : I think that point has been sufficiently argued.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): One of the last objections that was raised against my amendment was this. If some other amendment was brought it could have been considered. I brongt this amendment just to bring to the notice of this House of the grave injustice involved in it. Any suitable amendment might be made or brought forward by any member if he is convinced of the justice of the principle that I have attempted to explain. In the absence of any such suitable amendment, I submit, my amendment may be accepted by the House.

DEPUTY PRESIDENT: Let us go on with the measure in hand.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is all that I submit for the time being. What I submitted was, Sir, in the absence of any better amendment this might be accepted. If this House is really convinced that the section requires an amendment and if any member brings forward an amendment now, my submission is that it may be considered. I do not say that the amendment is perfect but in the absence of anything better, I submit, this may be accepted.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps it might be permissible for me to say, and after the arguments, that the House would keep the issue clear before them. The question is not one of amending or improving the language of the present clause or one of creating any exceptions to the present clause. The clause embodies a principle. That principle has already been dealt with here. I shall now deal with it again. The amendment wants that a principle should be created altogether. The question is which is just; to retain the principle or to omit it. It was pointed out to retain the principle, as it is, in justice. We ask the House to consider whether it would be justice: just to retain the principle or take away the principle altogether. That is the only issue that is now before the House. There is no question of amending the language, nor is there any question of exceptions being created in favour of the father or karanavan or husband. For that, again, there is no proposal before the House. But the point has been developed and a great deal of argument was pinned on mothers and I see from Guardian and Wards Regulation, no exception in favour of the mother too. It may be seen that, in the case of minors when exceptions would be created in the married minor, the husband is the guardian, in the case of the minor child, the father is the guardian; so that it can be very well seen in the case of minor married female and minor child, the husband or the father is the guardian and the first person to be con-considered guardian or manager. There is no such thing, Sir, that is being brought up in the case of lunatics as well as persons who are put in the custody of strangers and whether in such a case the exception would be just or not. I heard only that of an exception to the third

amendment at my disposal. It seems to me to be the same difference between a minor and a lunatic in favour of respective parties. The only question for consideration is whether we should accept the principle or throw it off. It is not the question of improving the language or creating several principles.

The amendment was put to vote and lost.

Clause 47 was put to the House and passed and the clause was added to the Bill.

Clauses 48 to 50.

Clauses 48, 49 and 50 were put to vote and passed and added to the Bill.

Clause 51.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, Mr. P. K. Narayana Pillai has sent up an amendment to section 51 proposing an additional sub-clause. But no copy of the amendment is placed before me.

DEPUTY PRESIDENT : There are two sub-clauses now. Mr. P. K. Narayana Pillai wanted to make an amendment having a third sub-clause. Notice of that has come to me and copy of the amendment has been given in time in order to enable me to consider the question whether permission may be given to move the amendment. I give permission to move the same.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : A copy of it was placed on the table so that it may be passed on from member to member.

DEPUTY PRESIDENT : It has not been brought to my notice that copies are not available.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I stated definitely that no copy has been placed before me: or anywhere on the table.

DEPUTY PRERIDENT : Did you rise and say that?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes.

DEPUTY PRESIDENT : Members would be obliging the Chair if they do so at times in which the Chair is not engaged in other work. I am sorry · anyhow permission has been given and the Law Member says that copies have been circulated. The discussion may proceed.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, if Mr. Kunjukrishna Pillai wants a copy —

DEPUTY PRESIDENT : I think it may be right for the expedition of business.........

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, I cannot quite follow without a copy of this amendment.

DEPUTY PRESIDENT : The Chair has given permission to Mr. P.K. Narayana Pillai. It did so before being informed that members have not been given a copy. Mr. Kuhjukrishna Pillai says that he did get up and mentioned that point. I say I did not hear it, nor did I see Mr. Kunjukrishna Pillai rising up. The only point is that permission having been given, despatch of business requires that I should read it before the House. It runs thus :—

[Deputy President.]

> "Where more guardians or managers than one are appointed under the preceding provisions, and any of them dies while the order of appointment remains in force, such death shall not affect the authority of a surviving guardian or manager as the case may be."

To enable the gentleman to take down the full text of the amendment in long hand, I shall read the same once more :

> "Where more guardians or managers than one are appointed under the preceding provisions, and any of them dies while the order of appointment remains in force, such death shall not affect the authority of a surviving guardian or manager as the case may be."

Once more, to remove all defects, I shall read the amendment for the third time :

> "Where more guardians or managers than one are appointed under the preceding provisions, and any of them dies while the order of appointment remains in force, such death shall not affect the authority of a surving guardian or manager as the case may be."

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Sir, I am extremely thankful to the Chair for having read out my amendment.

DEPUTY PRESIDENT : Please don't thank the Chair for that.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I may submit my reasons to the House for accepting this amendment. Having come across a recent decision of the Calcutta High Court in the All India Reporter for 1935, Calcutta, page 33, where the learned Judges of the Calcutta High Court had to consider the case of two joint guardians or managers, one of whom died leaving the other, I thought a similar difficulty may arise here also. A question arose whether the surviving guardian had authority to carry on the management of the estate of the lunatic. The learned Judges held, following the English principles that on the death of one of the joint managers the other manager became *functus officio*. They however point out that it is desirable to provide that on the death of one of the joint managers or guardians, the survivor's powers would not be affected. Any such provision would therefore be welcome. I think that such a thing may arise under this Bill in view of the judicial criticisms on the provisions of the Lunacy Act elsewhere.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*) : Is the appointment of more guardians or managers denied ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : It is not denied in this Bill. In this Bill there is nothing to prevent two persons to act as managers or guardians, if so appointed In such a contingency if one of the managers or joint guardians dies, the other would cease to have any power and an interregnum would arise, till another appointment is made by the court or the Dewan Peishkar as the case may be. Meanwhile the estate would not be represented by any one. This is a small amendment and may be accepted by the House.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): What if one of the managers became insolvent? There is no provision for removing such a contingency.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): The court or the Division Peishkar may remove such guardian or manager in such a contingency. I think such a provision is enacted in this measure. With these arguments I move that this amendment be accepted by the House.

MR. N. E. VARUGHESE (*Tiruvalla I*): എല്ലാസന്ദർഭങ്ങളിലും ഒന്നിലധികം ഗാർഡ്യൻസ് വേണമെന്നു പറയുന്നതിന് ഇതൊരു കാരണമായിതീരുകയില്ലേ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): ഇല്ല. കോടതിക്കാവശ്യമുണ്ടെങ്കിൽ ചെയ്യാമെന്നേയുള്ളൂ.

In any case it is so appointed that such a contingency may be met. I move that the following amendment may be accepted by the Houses.

> "Where more guardians or managers than one are appointed under the preceding provisions, and any of them dies while the order of appointment remains in force, such death shall not affect the authority of a surviving guardian or manager as the case may be"

MR. S. J. NAIR (*Nedumangad*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am inclined to accept the amendment. Of course I may tell the House that I have to examine this very carefully and if I find on examination that it requires any amendment and any consequential amendments I may move them at the third reading.

DEPUTY PRESIDENT: The question is whether you accept this amendment now.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At present I accept it. It is best I tell the House what I have in mind to facilitate discussion at a later stage.

DEPUTY PRESIDENT: The question is whether, to clause 51, the additional amendment of Mr. P. K. Narayana Pillai is agreed to by the House.

(A) VOICE—YES.

The question that clause 51 do stand part of the Bill was put to vote and carried. The clause was added to the Bill.

Clause 52.

The question that clause 52 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 53.

The question that clause 53 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 54.

The question that clause 54 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 55.

The question that clause 55 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 56.

The question that clause 56 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 57.

The question that clause 57 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 58.

The question that clause 58 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 59.

The question that clause 59 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 60.

The question that clause 60 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 61.

The question that clause 61 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 62.

The question that clause 62 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 63.

The question that clause 63 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 64.

The question that clause 64 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 65.

The question that clause 65 do stand part of the Bill was then put to vote add carried. The clause was added to the Bill.

Clause 66.

The question that clause 66 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 67.

The question that clause 67 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 68.

The question that clause 68 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 69.

The question that clause 69 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 70.

The question that clause 70 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 71.

The question that clause 71 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

Clause 72.

The question that clause 72 do stand part of the Bill was then put to vote and carried. The clause was added to the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is one amendment to the schedule forms.

DEPUTY PRESIDENT There is an amendment of. Mr. Krishna Pillai to the schedule form. Does the member move it?

MR. PUTHUPALLI S.KRISHNA PILLAI (*Quilon II*): I do not move it.

Schedule Form 1.

The question that Schedule Form 1 do form part of the Bill was put to vote and carried. The schedule was added to the Bill.

Schedule Form 2.

The question that Schedule Form 2 do form part of the Bill was put to vote and carried The schedule was added to the Bill.

Schedule Form 3.

The question that Schedule Form 3 do form part of the Bill was put to vote and carried. The schedule was added to the Bill.

Schedule Form 4.

The question that Schedule Form 4 do form part of the Bill was put to vote and carried. The schedule was added to the Bill.

Schedule Form 5.

DEPUTY PRESIDENT: The question is whether Form 5 stand part of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am against that. That Form is no more appropriate in this Bill because we have omitted the provision relating to asylums not established by Government.

DEPUTY PRESIDENT: The question is whether the House agrees to the Law Member's proposition:

The proposal was accepted and Form 5 was omitted.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I request permission to move my amendment to the Schedule Form 5.

DEPUTY PRESIDENT: I asked the general wish of the House. They agreed to it. I also asked the member whether he proposes to move his amendment. He returned a negative answer. The House agreed to the proposition to omit Form 5.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I think I have a right——

DEPUTY PRESIDENT: After the Form itself was voted upon, do you want the matter to be reconsidered?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): No one has a right to withdraw any part of the statute that is put into our hands.

DEPUTY PRESIDENT: It is not a statute. Mr. Kayalam Paramesvaran Pillai told me that there is an amendment to Schedule Form 5. I ascertained the wish of the member and the member told me that he is not moving it. Then I ascertained the wish of the House on a motion made by the Law Member to omit Form 5. The House also agreed to it. Matters which have been discussed and voted upon cannot be allowed to be reopened.

MR. K. R. ELENKATH (*Kalkulam I*): Was the question put?

DEPUTY PRESIDENT: Yes, I put the question and everybody agreed to that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*). I brought this fact to the notice of the Chair before it was voted upon and——

DEPUTY PRESIDENT: The Chair is not prepared to express an opinion whether a particular amendment is good or bad or the chances of its success in the House. The Chair is not concerned with the success or failure of any amendment. But this I may declare once more that I asked Mr. Krishna Pillai, in order to ascertain his wish, whether he is moving the amendment. Mr. Krishna Pillai said that he did not want to. When Mr. Kayalam Paramesvaran Pillai said that he did not want Form 5, I put it to the House to ascertain its wish, as the Chair has to do under law and practice, whether Mr. Kayalam Paramesvaran Pillai's motion may be allowed. The question was put and the House assented and Mr. Krishna Pillai did not say anything to the contrary. I find he acquiesced. Now it is too late to move an amendment after the House has expressed a clear unambiguous decision.

MR. K R. ELENKATH (*Kalkulam I*): A point of order, Sir. May I know whether a provision made by the Select Committee, in which the Law Member was a party, can be withdrawn by the Law Member?

DEPUTY PRESIDENT: I must tell the member, the Law Member did not withdraw the Form without the permission of the House. The Law Member made a proposal and the House assented and that makes all the difference. So that the point of order does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I be permitted to make a personal explanation?

DEPUTY PRESIDENT: If it is with regard to this amendment, I am not prepared to allow that.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): That is what I want.

DEPUTY PRESIDENT: That does not arise.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): But you must record my personal explanation?

DEPUTY PRESIDENT: Order, order.

If any amendment or any measure is being discussed, a member is perfectly entitled to make a personal explanation. But after the amendment is disposed of and voted by the House, no member has a right to make a personal explanation relating to that

Form 6.

The question that Forms 6 and 7 renumbered as Forms 5 and 6 stand part of the Bill was put to vote and carried. It was added to the Bill.

Clause 2 sub-clause (8.)

DEPUTY PRESIDENT : We will resume discussion of clause 2, sub-clause (8.)

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yesterday when we were dealing with clause 2, sub-clause (8); I submitted to the House that I shall bring forward an amendment for consideration of the House. Copies of the amendment have been placed on the table and I believe all the members have seen it. The amendment reads as follows: To add after 'Universities', in line 2 of sub-clause (8) of clause 2, "recognised by Our Government for the purpose of this Regulation". The clause when read with this amendment is as follows:

> "Medical practitioner" means a holder of the degree of doctor, bachelor or licentiate of medicine and surgery of any of the British or Indian Universities recognised by Our Government for the purposes of this Regulation or any person declared by general or special order of Our Government to be a medical practitioner for the purposes of this Regulation."

I considered the matter very carefully having regard to the criticisms offered yesterday and I think that the most practical solution of the difficulties will be to insert this provision viz., "recognised by Our Government for the purposes of this Regulation". Any other provision would seem to me, at any rate, to lead to practical difficulties and may not perhaps receive approval. However, I am placing this amendment for the consideration of the House.

MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

MR. K. R. ELENKATH (*Kalkulam I*) : May I know whether there are Universities not recognised by Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). This provision requires the express recognition of Government in all cases.

DEPUTY PRESIDENT : The question is that, after the expression "Universities" the words "recognised by Our Government for the purposes of this Regulation" be added.

The question was put and agreed to.

The question that clause 2 do form part of the Bill was put and carried.

Clause 2 was added to the Bill.

Preamble.

DEPUTY PRESIDENT : The question is whether the Preamble form part of the Bill.

The question was put and agreed to.

The Preamble was added to the Bill.

Title.

DEPUTY PRESIDENT : The question is whether the Title form part of the Bill.

The question was put and agreed to.

The Title was added to the Bill.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Should not the year of commencement be specified, Sir?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That can be done at the third reading Now, the second reading of the Bill is over. I presume that it is the general desire of the House that I should examine the various provisions again and I believe it is their desire that I should put off the third readingto a future date. But if the House so desires I have no objection to move the third reading also now. I am in the hands of the House. I can move for the third reading only if the Chair gives permission.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I think it is better to allow the third reading now and only under exceptional circumstances to postpone the third reading of the Bill.

DEPUTY PRESIDENT : I do not propose to allow Mr. Kayalam Paramesvaran Pillai to move the third reading now,

THE TRAVANCORE CIVIL COURTS' POWERS AMENDMENT BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The next item in the agenda is the Travancore Civil Courts Powers Amendment Bill. I beg to present the Report of the Select Committee on the Travancore Civil Courts' Powers Amendment Bill.

DEPUTY PRESIDENT : We will now pass on to the next item in the agenda.

THE TRAVANCORE LIFE ASSURANCE COMPANIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The next item in the agenda is the Travancore Life Assurance Companies Bill. Sir, a Committee has already been appointed to consider this Bill and the Committee has also partly considered it. But we have had no member to represent the Government Life Assurance business in the Committee. Mr. R. Nilacanta Pillai is in charge of that. So, I beg to move that Mr. R. Nilacanta Pillai be added to the Select Committee appointed to consider the Travancore Life Assurance Companies Bill.

MR. R. M. STATHAM (*Director of Public Instruction*) : . I second it.

The Motion was carried.

DEPUTY PRESIDENT: Mr. R. Nilacanta Pillai is appointed as a member of the Select Committee.

THE TRAVANCORE BREACH OF CONTRACT (REPEALING) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the Criminal Law. The Bill has been published in the Gazette with a Statement of Objects aud Reasons and I beg to move that the Bill be read in the Assembly.

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): I second it,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The object of this Bill is to repeal certain enactments which provide for punishment of breaches of contract by labourers. There are two enactments that are in force in Travancore. One is Regulation II of 1080, as subsequently amended as Regulation V of 1087 which provides for the punishment of certain breaches of contract committed by artisans, labourers and other workmen. The other is the Penal Code. Sections 493 and 495 provide for the punishment of certain breach of contract. I trust there is no necessity to read all these provisions as we are already getting too late. In British India they had enactments corresponding to these and they have repealed them by Act II of 1925. The International Labour Conference has also expressed the view that forced or compulsory labour should, as a rule, be abolished as early as practicable and this principle has been generally accepted in British India. The enactments referred to are in spirit against the convention adopted by the International Labour Conference. I may add that in the sister State of Mysore also they took steps to repeal this and have done so by Act IV of 1933. The Breach of Contract Regulation was passed in Travancore generally speaking, in support of the planting community. Therefore the views of Mr. Lampard was ascertained and he has written that there is no objection to the proposed Bill.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I wish to add a few words in support of the principle of this Bill. I do appreciate this measure. But this piece of legislation ought to have been undertaken long long ago. The International Labour Office, as long ago as 1930, in their report had been finding fault with certain Indian States for keeping these laws in the Statute Books. Sir, I think that this piece of legislation remained in our Staute Book so long because we were not very vigilant with regard to the removal of this legislation which has ceased to be of use from a very long time. The very fact that this law was repealed in British India in 1925 and that we are in the year 1935

[Mr. K. Kunjukrishna Pillai]

and now attempting to repeal the Act shows how far behind we are in the matter of labour legislation. While I warmly support the principle of the Bill I strongly deprecate the delay in the repeal.

DEPUTY PRESIDENT: That does not arise now.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I very seriously bring to the attention of the Law Member especially and to the Government the necessity of bringing Travancore into line with British India in the matter of labour legislation. It may be asked why the non-official members could not bring up a Bill. But we know the difficulty of non-official members in bringing a Bill and getting it passed in the House.

DEPUTY PRESIDENT: They are all regulated by rules on which the member cannot comment.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The rules, as they stand at present.........

DEPUTY PRESIDENT: The difficulty of non-official members in bringing up Bills before the House is not a measure now before the House.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): That is the reason why I request Government to take up similar labour legislations which have been brought about in British India. I wish that Travancore should fall into line with British India in these matters.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, ഈ ബില്ലിനെ അനുകൂലിക്കുന്നതിൽ എനിക്കു വളരെ സന്തോഷമുണ്ട്. ഇങ്ങനെ ഒരു ബിൽ വളരെക്കാലത്തിനുമുമ്പുതന്നെ അവതരിപ്പിക്കേണ്ടതായിരുന്നു. ഈ പതനത്തിലെങ്കിലും ഇതു കൊണ്ടുവന്നതിൽ സന്തോഷിക്കതന്നെ വേണം.

DEPUTY PRESIDENT: Please avoid repetition. That point has been mentioned.

MR. N. E. VARUGHESE (*Tiruvalla I*): ലാമെമ്പർ പ്രസ്താവിച്ച ഒരു സംഗതിയെ സംബന്ധിച്ചു എനിക്കു ചിലതു പറയുവാനുണ്ടു. യൂറോപ്യൻ പ്ലാന്റർസിന്റെ ആവശ്യത്തിനായി നിർമ്മിതമായ ഒരു ചട്ടമാണു ഇതു എന്നും ഇപ്പോഴും യൂറോപ്യൻ പ്രതിനിധിയായ മി. ലാംബാർഡിനോടു ചോദിച്ചതിൽ ഈ ചട്ടം റദ്ദാക്കുന്നതിൽ അദ്ദേഹം യാതൊരു തടസ്സവും പറഞ്ഞില്ലെന്നും ലാമെമ്പർ പ്രതിപാദിച്ചു. അങ്ങിനെയാണെങ്കിൽ മി. ലാംബാർഡ് ഇതിനു സമ്മതം നൽകാതിരുന്നുവെങ്കിൽ ഇങ്ങനെ ഒരു ബിൽ ഗവൺമെന്റു അവതരിപ്പിക്കുമായിരുന്നോ എന്നു ഞാൻ സംശയിക്കുന്നു.

DEPUTY PRESIDENT: You are raising unnecessary difficulties. The Law Member did not say that. The opinion of Mr. Lambard was taken because he represented the Planting Community. It does not mean that if he expressed a different opinion it will not be taken. All that does not arise.

MR. N. E. VARUGHESE (*Tiruvalla I*): ലാമെമ്പരുടെ പ്രസ്താവനയെ അടിസ്ഥാനപ്പെടുത്തി എനിക്കുള്ള അഭിപ്രായത്തെ പറയുകയാണ് ചെയ്തു്.

DEPUTY PRESIDENT: I say that was not the meaning. So you must be satisfied.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഏതായാലും ഇതിനെപ്പറ്റി കൂടുതലായി ഒന്നും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I have great pleasure in supporting the principle of the Bill. The Law Member said that this Bill has been framed in the spirit of some conventions of the International Labour Conference. I want to know whether it is in pursuance of a general policy under which Government are going to adopt all the conventions adopted by the International Labour Conference or whether this piece of legislation is only an isolated piece without reference to others in contemplation.

DEPUTY PRESIDENT: I do not think the Law Member should give an answer to that. To say that all the principles will be accepted will be going far beyond the requirements of the present Regulation.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): I want only to elicit information from the Law Member as to whether this piece of legislation is in pursuance of the conventions of the International Labour Conference.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I rise to a point of order. At the time of the discussion of the principle of the Bill, can we enquire about the general principle of the legislation?

DEPUTY PRESIDENT: I have already said, Mr. Karayalar, that the principle may be left to itself. I think that does not arise when we consider this Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, on a point of personal explanation. The Law Member made a reference to the convention of the International Labour Conference. That is why I referred to them and wanted him to throw some light upon the question as to whether there is any general policy behind the Bill.

DEPUTY PRESIDENT: If all those rules are to be referred, Halsburry's principles also should be taken into consideration. I can quite understand Mr. Karayalar's point. If the Law Member in the course of his speech wants to refer to it I do not want to prevent him.

MR. M. SIVATANU PILLAI (*Tovala*): In supporting the Bill I greatly wish that the House should give permission to the second and third reading of the Bill in this sitting itself. We have heard from the Law Member that an Act of this kind was repealed in British India as early as 1925 *i. e.* 10 years ago, and in Mysore in the year 1933. So it is not a matter for our own congratulation that this Bill has been introduced here at this late period. I wish the House should understand the implications of the Breach of Contract Bill.

DEPUTY PRESIDENT : There is one technical difficulty. The House has not yet confirmed the principle of the Bill. However, suggestions can come after that. Will you please wait till that? Only the principle of the Bill is being discussed now. You may make that suggestion after the principle has been affirmed.

MR. M. SIVATANU PILLAI (*Tovala*): It is only by way of strong advocacy. Imagine for a moment the condition in a far off village where poor families are living together without knowing or understanding the real conditions that are obtained in the estates—tea or rubber. One fine evening the broker or kankani slowly and stealthily creeps into the village, induces them, gives them high hopes and those families are transported with their kit and children and the poor families are taken away to toil in the estates. In some cases the poor families are illiterate and they are duped and their thumb impresion or their four strokes for signature are taken in the document which may subsequently be produced in a court of law as a contract said to have been entered between the family and the estate. Either on account of the difficulties in the estates or on account of sheer physical inability they do not fulfil the conditions in the contract, and they are taken to a court of law for breach of contract. I have seen, Sir, the pathetic sight of these poor creatures in the premises of the Magistrate's Courts particularly in South Travancore. They are threatened with intimidation if they do not offer themselves to work in the plantations or they are meted out punishment such as fine, attachment of their movables etc., sometimes even imprisonment.

This repeal would naturally be going a great way to their relief and what I would urge upon this House is not only to allow its introduction but to have the second and third reading of the Bill also just now.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) In supporting the principle of this Bill I agree with my learned friend Mr. Kunjukrishna Pillai in submitting that all questions of labour legislation should be taken up by Government and the legislation brought into line with other progressive legislative enactments in other civilised countries. The only enactment that we have got on this subject is Regulation V of 1089. It is now 31 years old. Since then the amelioration of the condition of the labouring classes by legislative measures has engaged the attention of British Indian Statesmen and the existing laws have been amended to suit the needs of altered circumstances. The Whitely Commission Report has made various recommendations for the improvement of the condition of the labouring classes and I understand that a Bill has now been introduced in the Indian Legislative Assembly on the lines of the recommendations of that Commission. The Bill, now before us, touches only the outer fringe of this great problem. Therefore I hope the Law Member will see his way to take up the whole question of labour legislation into consideration and before long bring in a Bill at least on the

lines of the Whitely Commission recommendations and thus bring the legislation on the subject into line with British India. In this hope I support the principle of this Bill. The question that the principle of the Bill be accepted was put to vote and unanimously carried.

The Secretary read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, in view of certain observations made by Honourable members in the course of the debate, I am inclined to request the Chair to suspend the rules of business and allow the second reading of the Travancore Breach of Contract (Repealing) Bill at once.

DEPUTY PRESIDENT: I suspend the ordinary rules of procedure in order to facilitate the passing of this Bili.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Travancore Breach of Contract (Repealing) Bill be now taken into consideration.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

The motion was carried.

DEPUTY PRESIDENT: The House will consider the Bill clause by clause.

Clause 1.

The question that clause 1 of the Bill shall stand part of the Bill was put to vote and unanimously passed.

Clause 1 was added to the Bill.

Clause 2.

The question that clause 2 shall stand part of the Bill was put to vote and unanimously passed.

Clause 2 was added to the Bill.

SCHEDULE TO THE ENACTMENT.

The question that the schedule to the enactment shall standpart of the Bill was put to vote and unanimously passed. The schedule was added to the Bill.

PREAMBLE.

The preamble was put to vote of the House and passed. The preamble was added to the Bill.

TITLE.

The title was also put and carried.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I now proceed to the third reading of the Bill and before I do it I make a formal motion. I move an amendment to clause 1, sub clause (2) in which it is laid down "it shall come into force on........" In place of 'on' I move to substitute the words 'at once',

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

MR. M. SIVATANU PILLAI (*Tovala*): I heartly support the amendment.

The amendment was put to vote and carried.

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as amended be now passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

DEPUTY PRESIDENT: The Bill is passed.

THE TRAVANCORE JENMI AND KUDIYAN REGULATION (AMENDMENT) BILL

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Jenmi Kudiyan Regulation Amendment Bill. It has been published in the Gazette with a Statement of Objects and Reasons, and I now beg that the Bill be read in the Assembly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles of the Bill. As Honourable members are aware the Jenmi Kudiyan Regulation recently underwent many detailed and elaborate amendments and it has been put into working. In the actual working it has been found that there are certain deficiencies in the law as passed then. The object of the Bill is to make provisions for removing those deficiencies. The first amendment now proposed is in respect of section 3 clause (15) of the Regulation which defines what a settlement pattom is for purposes of the Regulation. The settlement pattom is defined in section 3, clause (15) as follows:—

> (15) "Settlement pattom" in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattom chargeable on each portion of a land wherever the land is divided for any reason".

It will be noticed that according to the definition given in the Regulation as amended a settlement pattom is one that has *actually* been fixed by Government. But it has been found that there are some very rare cases where Government did not as a matter of fact assess a settlement pattom. That gave some difficulty because we cannot find out what the settlement pattom in respect of the land is because the Government themselves did not assess any pattom. To meet this difficulty the present amendment is proposed in clause 2. The principle of that amendment is that what Government would have fixed as the settlement pattom if the land had been assessed to pattom at the said settlement should be taken as the settlement pattom.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member the approximate number of such cases?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Such case are only very few. There are some cases in the Vanjipuzha Edavagai.

The next amendment, and that is the chief amendment in this Bill, is in respect of cherikal lands and in relation to jenmikaram of

cherikal lands. In respect of ordinary lands the jenmivarom is fixed as the jenmikaram. In the case of cherikal lands a different provision was made in the Regulation as it now stands and that can be seen in sub-clause (a) of clause (17) of section 3 which says:—

> (17) "Jenmikaram" in respect of a jenmom land or holding means the amouut payable in respect of that land or holding under the provisions of this Regulation, by the kudiyan to the jenmi every year in lieu of all and every one of the jenmi's claims in respect of the land or holding, such jenmikaram being fixed as follows:—
>
> (a) so long as the last general Land Revenue Settlement made by Our Government remains in force, the jenmivaram shall except in the case of cherikal lands, be the jenmikaram, and in the case of cherikal lands the settlement pattamicham with reference to the said last Revenue Settlement *minus* the interest on the kanom amount shall be the jenmikaram;

Settlement pattom *minus* the Sirkar tax *i. e* the settlement pattamicham is assumed to be the maximum lawful rent due to the jenmi in the case of cherikal lands the jenmikaram was fixed as the settlement pattamicham minus the interest on the kanom amount. It was so done because the kudiyan was entitled to get interest on the kanom amount and that interest is due from the jenmi to the kudiyan and since interest is due on the kanom amount to the kudiyan it is assumed that he must get credit for that and so the settlement pattom micham minus the interest on kanom amount is fixed as jenmikaram in the case of cherikal lands.

Now it will be noticed that in the case of ordinary lands the rent due as per the contract of kanom was fixed as the statutory rent due to jenmi but in the case of cherikal lands a different provision was made and this was made for a particular reason. It was made at the instsnce of the jenmies in the late Council. They contended that if jenmivarom is fixed, as in the case of ordinary lands, there will be great hardship. Their contention was that cherikal lands as originally demised were not improved or fully planted up and were not yielding any substantial yield. So ordinarily the demise on cherikal lands was for a nominal or low rent. But subsequently those lands were planted up and they became very productive, and the kanom was scarcely ever revised having regard to this increased yield.

The point urged was that in respect of the cherikal lands, the jenmies did not, as a matter of fact, get any reasonable rent, although the kudiyans were making large, profits. And, the Amendment Regulation contemplated that after the date of that Regulation there shall not be any revision or renewal till the next settlement. Therefore the jenmies would be put to a difficult situation. They are not now getting anything like reasonable rent, and, until the next settlement, revision or renewal is also absolutely denied. Having regard to this, it was proposed that, in respect of the cherikal lands, there should be a special provision as in the Regulation. In the actual settlement of the *jenmikaram*, however it has been found that the interest on the kanam amount is even higher than the settlement pattamicham and that means that the jenmi will get zero or a *minus*

[Mr. Kayalam Paramesvaran Pillai.]

quantity as jenmikaram, and they are denied even existing rent. It is proposed therefore to give jenmi either the jenmivaram or the *settlement pattanicham* minus interest on kanom amount, whichever is greater.

There is also one other amendment proposed by this Bill. It is more or less a formal amendment to section 9 of the amended Regulation which runs as follows:

> "The jenmikaram of a holding together with the interest, if any, due thereon, when it becomes an arrear, shall be claimable by the jenmi and shall, subject to the priority of the rights of Our Government, be a first charge on the holding."

The House will notice that, in *every instance*, the Government's claim is made a prior charge to the jenmies. In the original Regulation, Government was given priority only in respect of land-tax. Somehow, that fact was overlooked when the Amendment Regulation was passed and, thus, in respect of all amounts due to Government, they have been given priority over the jenmies' dues. Therefore even in respect of agricultural loans or land mortgage loans, for instance, Government get priority over the jenmies' dues. That was not, certainly, the intention at the time the amended Regulation was enacted. The amendment now proposed seeks to make it clear that Government will get priority only in respect of land-tax.

If the principle of the Bill is accepted, I propose to move that it may be referred to a Select Committee for considering the Bill.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): In accepting the principle of the amendments as far as they have now been proposed as subject fit for consideration by a Select Committee (Mr. A. S. Damodaran Asan: *Louder please.*) I would point out that there is need to amend another section of the Regulation also, as it appears to me.

Section 42 of the Regulation as amended says:

> "Notwithstanding anything contained in the foregoing, the provisions of this Regulation shall not apply to any kanapattoms executed since the 25th day of Karkadagam 1042, which expressly provide for redemption."

Section 44 runs thus:

> " * * * * * The provision of this Regulation shall not apply to any right declared, established, or already acquired by jenmies or kudiyans at the date this Regulation comes into force."

MR. A. S DAMODARAN ASAN (*Mavelikara*): These sections refer to the Amendment Regulation.

DEPUTY PRESIDENT: You can only ask a question, Mr. Asan; you are making a positive statement.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the sections now read by the member occur in the old Regulation of 1071 and whether they have been amended by the Amendment Regulation?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): These sections have not been amended by the Amendment Regulation they have been simply carried over from the old Regulation and incorporated with the Amendment Regulation. Sir, the Amendment Regulation has very seriously amended the Regulation of 1071. Still, these provisions say that the provisions of the Amendment Regulation shall not apply to any right declared, established or already acquired by the jenmi or the kudiyan on the date the Regulation came into force. Suppose a right has been acquired before the 1071 Regulation came into force. Certainly, the intention of the Legislature is that it must be affected by the provisions of the Amendment Regulation. But, these provisions say that such rights shall not be affected. There seems to be, therefore, an apparent conflict. The amendment of these provisions also may, therefore, be considered now that the amended Regulation is to be taken up for amendment.

MR A. S. DAMODARAN ASAN (*Mavelikara*): On a point of order, Sir. In the Statement of Objects and Reasons of the Bill now proposed to be introduced, the purpose and nature of the amendments have been specificially mentioned. Therefore, I wish to know whether the suggestion of Mr. P. K. Narayana Pillai can be considered under the present Bill. Not that I have any objection to the amendments proposed by him; only I want a ruling from the Chair on it.

DEPUTY PRESIDENT: In fact, that point struck me and that was why I was looking up the Rules. Certain reasons are given why these amendments are necessary. The point now raised by Mr. P. K. Narayana Pillai was not contemplated when the Bill was drafted and published. There are certain formalities to be observed in these matters, publication in the Gazette, and so on. Therefore, we shall be taking the world by surprise by now introducing, in the Bill, provisions about which there has been no notice at all. I wish the Law Member will enlighten us on the point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Personally, I think that these amendments now proposed by Mr. P. K. Narayana Pillai will not arise under this Bill which is confined to certain particular sections alone. It is for the Chairman of the Select Committee to decide whether the suggestions now made may also be considered or not.

DEPUTY PRESIDENT: Will the Select Committee have the authority to deal with a matter which they have not been asked to deal with?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My own view is that the Select Committee will not have the authority to deal with these amendments; but it is for the Chairman of the Select Committee to decide that point.

DEPUTY PRESIDEHT: Is there any Rule by suspending which we will be able to include this amendment also?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think there is any.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : One word of explanation, Sir. The object of the proposed Bill is to rectify certain defects that have arisen in the actual working of the Jenmi and Kudiyan Regulation. A learned writer in the Travancore Law Times has pointed out that, in view of the section I have read out from the amended Regulation, the Amendment Regulation will not affect rights acquired before the date of the Regulation of 1071. Therefore, this is also one of the difficulties that have arisen in the practical working of the Amendment Regulation; and, as such, it comes legitimately under the proposed Bill. No doubt, since this point did not specifically strike the Law Member when he drafted the Bill, he has not specifically included this in the Bill.

DEPUTY PRESIDENT Is it possible for you, Mr. P. K Narayana Pillai, to explain whether your point has any affinity or relation with any of the clauses of the proposed Bill ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes, Sir; certain rights have been acquired by the jenmies before the date of the 1071 Regulation. The proposed Bill seeks to modify those rights in respect of cherikal lands. But, the sections I have read out, section 44 for instance, says that nothing in the Regulation can affect rights acquired before the date of the 1071 Regulation. Therefore, naturally, the amendment of the sections I have read out has to be considered under this Bill.

DEPUTY PRESIDENT : Your suggestion is that, unless your point is also included, the clauses in the Bill cannot be properly considered ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Yes, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : When the Select Committee deals with the clauses, this question may be considered and decided by the Chairman of the Select Committee. The point may certainly be considered to the extent to which it affects the clauses of the Bill.

DEPUTY PRESIDENT If that particular clause in section 44 has any affinity, at least with any of these provisions, then we may have to consider it. Unless the whole thing is considered we may not be able to change the law even on the points notified. It may be considered to that exent which will enable the Select Committee to consider that section so far as the amendments now proposed are concerned.

Does the House accept the principle of the Bill ?

The motion that the principle of the Bill be accepted was put to the vote of the House and carried.

The Secretary read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I move that the Bill be referred to a Select Committee consisting of the following members :

1. Mr. Kayalam Paramesvaran Pillai.
2. ,, T. K. Velu Pillai.
3. ,, Jayantan Namputiripad.
4. ,, P. C. Narayana Bhatatiri.
5. ,, K. C. Abraham.
6. ,, John Joseph.
7. ,, K Kunjukrishna Pillai.
8. ,, E. V. Krishna Pillai.
9. ,, K. Sankaran.
10. ,, S. J. Nair.
11. ,, R. Sambasiva Aiyar

to report within four months.

MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

DEPUTY PRESIDENT : Does the House agree ?

The House accepted the proposal.

THE TRAVANCORE REGISTRATION REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to introduce a Bill to amend the Travancore Registration Regulation. The Bill has been published in the Gazette with a Statement of Objects and Reasons. I beg to move that the Bill be read in Council.

MR. R. M. STATHAM (*Director of Public Instruction*) I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I shall now proceed briefly to explain the principles of this Bill. There is now in our law, unlike the corresponding British Indian Act, a provision that titles acquired in respect of immovable properties by court transactions should be registered in registry offices. The provision is in section 115. This provision serves a very useful purpose in that it provides a complete record of all the transcations regarding immovable properties registered in registry offices It may be noticed, however, that this section does not make any provision for the registration of attachment of immovable properties An immovable property that is sold through a court will be registered. If a property is attached it is not registered. That is how it stands now. If a person wants to find out whether a property is attached or not he has now no means of getting that information. It is a very useful information that should be available to everybody. This fact came to the notice of the Laws Delays Commissioner and he suggested that some such provision as in the Bill may be made in the Registration Regulation. Recently, the Land Mortgage Bank also found the difficulty, because they lend out moneys very largely on the security of immovable properties. And they have no means of finding whether a property is under attachment or not. This matter was referred to the High Court and the High Court agreed to the proposal that the Regulation may be amended. It may perhaps interest the House to know that in a case reported in Volume XX of the Law journal the High Court adverted to this fact. The proposed amendment proposes

[Mr. Kayalam Paramesvaran Pillai.]

to add to section 15 a clause to the effect that the attachment of properties should be registered in sub-registry offices. There is no corresponding provision in the British Indian Act. The language of the amendment may be examined by a Committee, which I propose to move, if the principle is accepted.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In fact the absence in the Regulation of a provision to enable attached properties also to be registered causes considerable complications in dealing with lands. It would be very much safer for all persons who deal with lands that such records should be kept in the sub-registry offices.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member in which book the entry is to be entered in the registry office?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): In Book I.

MR. A. S DAMODARAN ASAN (*Mavelikara*): May I know whether the member is aware that there is another book also?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Yes. There is another book also. In this connection I would mention another fact which ought to be taken into consideration. That is, the attachment creates only a lien upon the property.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I know from the member whether attachment is a charge upon property?

MR. R SAMBASIVA AIYAR (*Kunnatnad II*): Whether it is a charge or not it would be safe for the man who deals with the land if the fact of attachment is registered. All the transactions subsequent to the attachment should also be registered.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) May I know whether there are registry books which are not open to any person?

MR. R SAMBASIVA AIYAR (*Kunnatnad II*): Yes, there are.

DEPUTY PRESIDENT: Does the House agree to adopt the principle of the Bill?

The Principle of the Bill was accepted by the House.

The Secretary read the title of the Bill.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Select Committe consisting of the following members:

1 Mr T. K. Velu Pillai,
2. ,, P. K. Narayana Pillai.
3. ,, R. Raman Pillai.
4. ,, M. N. Nair.
5. ,, Puthupalli S. Krishna Pillai.
6. ,, Antony George.
7. ,, T. K. Alexander.
8. ,, K. M. Krishnan.
9 ,, K. A. Narayana Pillai and myself, to report within 4 months.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

The motion was carried.

THE TRIVANDRUM CITY MUNICIPAL BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to provide for the administration of the Trivandrum Municipality. The Bill was published in the Government Gazette with a Statement of Objects and reasons.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, this is a very important Bill. But, at the same time, I do not think it at all necessary to make a long speech. Nor do I think that the time would permit me to do so. Although the existing Regulation governing the Municipalities was passed 15 years ago as Regulation V of 1095, it was soon noticed that many of the provisions required improvement. And there have been representations from various quarters and on various occasions for the amendment of the law in various particulars. For instance, representations were made in the late Popular Assembly and in the municipal conferences that have been held from time to time. There were representations from the Municipal Councils for the amendment of the Regulation. The general trend of all these requests was that the law in Travancore should be brought on a line with the law that obtains in the Madras Presidency. As in the Madras Presidency there is a special enactment for the Metropolis so in Travancore also it is proposed to have a special enactment for the city of Trivandrum. This Bill is drawn generally on the lines of the Madras City Municipal Act. The chief change introduced in this measure is stated in the Statement of Objects and Reasons. For instance, it is proposed to remove the sex disqualification.

Such disqualification remains a blot in our municipal law and has of course to be removed. Again, there has been a long standing cry from the Trivandrum City Municipality that their President should be a purely non-official one For that also provision is made in this Bill. A discussion of the Bill by a Committee consisting of members of both the Houses would be very useful and I propose to move for a Joint Committee.

DEPUTY PRESIDENT: After the principle of the Bill is affirmed, we shall consider it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, I say it is none too early that the Law Member brings forward a Bill of this kind. The Trivandrum Town has grown to be a city by the last 15 years and a change in the law governing the Municipality of the Town has become almost absolutely necessary. But considering the time at my disposal, I must restrict my observations to a few points which I wish

[Mr. A. Thanu Pillai.]

to mention here. The provision in the Bill that a non-official President should preside over the Trivandrum Municipal Council is certainly very welcome. The appointment of an Executive Officer and the constitution of Standing Committees, these are among the main features of this Bill. And I agree that the Bill be referred to a Select Committee subject to this condition, that all these provisions would be considered, revised, and modified to any extent that the Committee considers necessary.

There are two points more which I want to mention here. The Bill mentions a minimum rate of property tax to be levied and not a maximum I think, that is a very objectionable feature of this Bill.

The powers of the President and the Commissioner as proposed for in the Bill seem to be somewhat too large for a Municipality like Trivandrum. There are also provisions relating to the discretion of Government in dealing with the administration of municipal affairs which have to be scrutinised.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Sir, Mr. Thanu Pillai has stated about the powers that ought to be vested in the Select Committee. I think, Sir, a very liberal attitude should be taken, so that the Select Committee going to consider this piece of legislation in detail should have full freedom in the matter of amendments. Sir, it has been admitted on all hands that the present Regulation stands in need of a thorough change and it is also a welcome feature of the Bill that at least now provision is going to be made for a non-official President in the Capital of Travancore. I think it may not be quite to the liking for our sisters even to mention the removal of sex disqualification as a boon that we are conferring on them at this stage of their development. So, Sir, I do not think it is necessary to dilate further on the details of the Bill but the principle of the Bill should be accepted and the only thing that we should be guaranteed is that we should have very liberal powers of amendments in regard to this Bill.

SRIMATI T. NARAYANI AMMA (*Nominated*): In according my whole-hearted support to the Trivandrum City Municipal Bill, I wish to express my appreciation of only one important change which is sought to be introduced by the new measure. I refer, Sir, to the removal of the sex-disqualification in the matter of eligibility to be members of the City Municipal Council. The bar now placed on women in this respect is indeed an anachronism, which ought to have been removed years ago. And it is highly gratifying to find that women's ineligibility to be members of the Municipal Council will be removed by the new measure when it is passed into law. I feel, sure, that whatever may be the differences of opinion in regard to other matters, this clause pertaining to the removal of sore grievance which the women of this progressive State are labouring under, will receive the support of every member of this House. I trust that the same spirit will be observed in the matter of nomination also to the Municipal Council. I find that, out of the 32 members of the Municipal Council, eight will be nomina-

ted by the Government. My humble suggestion is that at least two of these eight seats should be reserved for women With these few words, Sir, I support the principle of the City Municipal Bill.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): I too rise to support the principle of the Bill. It is about fifteen years since the Regulation, V of 1095, has been in force in Travancore, and the present Regulation is defective in so many respects, so much so that in the various municipal conferences and also from the Council meetings, representations were sent to Government that the Regulation requires changes in regard to various matters. It is a welcome feature that the draft Bill seeks to introduce many changes. In the first place, the strength of the Council is going to be increased secondly the need for a non-official President is recognised the bar on women also is sought to be removed ; that is also a noteworthy feature of the Bill and in regard to the various Standing Committees, an Executive Officer, the powers of taxation, and in regard to various other matters, many wholesome changes are sought to be effected. In these various aspects, the Bill is decidedly an improvement upon the Municipal Regulation of 1095 and the present Bill is based on the model of the Madras city Municipal Bill. We know the Trivandrum Town is fast growing into a city, the population has increased, the revenue is increasing and the various duties and responsibilities of the Council have increased. It is only fitting that this Bill is introduced at the right moment to effect suitable changes. With these few observations, I support the principle of the Bill.

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I welcome this Bill not because it is modelled after the Madras Corporation Act which was followed by the Mysore Regulation, but because a Bill purporting to be an improvement on the existing Regulation V of 1095 has now at least been introduced. The provision of the removal of the sex disqualification, the increased proportion of the elected members and the provision of a non-official President for the city are certainly the main features for satisfaction. The Honourable members who spoke welcoming this Bill for the above changes, I am afraid, did not fully understand the significance of the provision of Commissioner with so much enlarged powers. Over 15 clauses are seen in the draft Bill relating to the powers of the Commissioner. In a sense the Commissioner appears to be the more important figure in the administration of the Municipality than the President himself. The experience that we have in British India of these Commissioners is one that is not encouraging as we might have come across articles in papers with regard to the doings and undoings of these Commissioners.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): May I ask the member whether he refers to the Madras Corporation Commissioner or the Commissioner of the District Municipalities?

MR. M. SIVATANU PILLAI (*Tovala*): Of course, I am referring to the Corporation Commissioner himself as well as the others.

[Mr. M. Sivatanu Pillai]

It is through this Corporation Commissioner the Government very often intrude upon the peaceful administration of the Corporation or Municipality. We have come across institutions wherein Local Self-Government Ministers unnecessarily interfere in the Municipal administration. I shall reserve my remarks when the District Municipalities Bill is introduced. I only wish to say this much just to invite the serious attention of the members when it goes into the Select Committee, to the provisions relating to the powers of the Commissioner and the powers of control on the part of the Government. With this note of warning I wish the Bill will undergo a radical change in the Select Committee. in respect of such provisions in the Bill.

MR. T. T. KESAVAN SASTRI (*Nominated*): സർ, ഈ ബില്ലിനെ സപ്പോർട്ടുചെയ്യുവാൻ എനിക്ക് വളരെ സന്തോഷമുണ്ട്. ഗവണ്മെൻറിൽനിന്നും അവസരാനുസരണം അവതരിപ്പിച്ചിട്ടുള്ള ഈ ബില്ലിനെ വിഷയമായ തത്വത്തോടു ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. ഈ രാജ്യത്തിലെ സകല മുനിസിപ്പാലിററികളും കാലാനുകൂലം ഇതിനാൽ പരിഷ്ക്കരിക്കപ്പെടാവുന്നതാണല്ലോ? നാനാജാതിമതസ്ഥരായ നിരവധിജനങ്ങൾ ഈ പട്ടണത്തെ അധിവസിക്കുന്ന തിരുവനന്തപുരം മുൻസിപ്പാലിററി ഇന്നത്തേതിൽ ഏററവും പ്രശസ്തമായവിധത്തിൽ ഭരിക്കയും പരിഷ്ക്കരിക്കയും ചെയ്യേണ്ട പ്രധാനവിഷയങ്ങൾ ഈ ബില്ലുകൊണ്ട് നിർദ്ദേശിച്ചുകാണുന്നു.

ഈ അവസരത്തിൽ എനിക്ക് ഗവണ്മെൻറിൻെറ ദയാദൃഷ്ടിയിൽ കൊണ്ടുവരുവാനുള്ളതു ഒരു പ്രധാനകാര്യമാണ്. ഈ തിരുവനന്തപുരംപട്ടണത്തെൻെറ നാനാഭാഗങ്ങളിലും താമസിച്ചുവരുന്നവരായ അധഃകൃതരുടെ ഗണ്യങ്ങളായ അവകാശങ്ങളേയും ആവശ്യങ്ങളേയുംകൂടി ഗൌനിച്ച് വേണ്ടതു ചെയ്യുവാൻ ശ്രദ്ധിക്കണമെന്നുള്ളതാണ്. പട്ടണവാസികളെ പൊതുവേ ബാധിക്കുന്ന വിഷയങ്ങളാണിതിനുവിധേയമായിട്ടുള്ളതെന്നറിയാമെങ്കിലും നിത്യവൃത്തിക്കു കഴിവില്ലാത്തവരും സാധുക്കളുമായ അധഃകൃതരുടെപേരിൽ ഇന്നത്തെനിലയ്ക്കു ചില പ്രത്യേക ദാക്ഷിണ്യങ്ങളും മററുമാവശ്യമായിട്ടുണ്ട്. മുൻസിപ്പാലിററികളിൽ മെമ്പറന്മാരാക്കിയും മററും അധഃകൃതവർഗ്ഗക്കാർക്കുകൂടി വേണ്ട പ്രോത്സാഹനം നൽകേണ്ട വിഷയത്തിൽ പ്രത്യേകം ശ്രദ്ധിച്ചുകാണ്മാൻ താല്പര്യപ്പെടുന്നു. ഉൽക്കർഷേഛ അധഃകൃതവർഗ്ഗക്കാരായ പുലയർക്കും, പറയർക്കും മററും പൊതുവേ ഉണ്ടായിട്ടുണ്ടെങ്കിലും സഹായക്കുറവിനാൽ ഫലപ്പെടുന്നില്ല. പട്ടണങ്ങളിൽ താമസിക്കാൻ സൌകര്യം ല

ിച്ചിട്ടുള്ളവരുടെ ഉന്നമനം മററുള്ളവരുടെ അഭിവൃദ്ധിക്കുകൂടി കാരണമാകുന്നതാണെന്നാണ് എൻെറ അഭിപ്രായം. അതിനാൽ ഇവർക്കും വേണ്ട പ്രാതിനിധ്യവും സഹായവുമുണ്ടാകത്തക്കവിധത്തിൽ അധികാരികളുടെ ദയാദൃഷ്ടിയെ സാദരം അപേക്ഷിച്ചുകൊണ്ടും ഗവൺമെൻറിനെ അഭിനന്ദിച്ചുകൊണ്ടും അനുകൂലിച്ച് എൻെറ അഭിപ്രായം രേഖപ്പെടുത്തിക്കൊള്ളുന്നു.

MR. S. J. NAIR (*Nedumangad*): The demand for the election of a non-official as Chairman of the Municipality has been put forward incessantly by the Trivandrum Municipality long long ago. I am glad that now at least that proposal has been included in the present Bill. There are various other good features in the Bill. As regards clause 98 that deals with property tax in the Bill I would submit it would hit hard, very hard, the interest of the inhabitants inside the municipal limits. The levy of various sorts of taxes would work havoc amongst the people living in the municipal area. Anyhow as there is a Select Committee stage, suitable amendments could be made then by deleting the harmful provisions.

DEPUTY PRESIDENT: Could the member cite one or two harmful clauses?

MR. S. J. NAIR (*Nedumangad*): Property tax is one. Under property tax, there would be water and drainage tax, lighting tax, tax on buildings and lands, a general sanitary tax, etc. If such taxes are levied and such conditions exist, I fear the poor inhabitants of the Municipality will have to desert the municipal area and migrate to other parts of the State and thus give the town or city a deserted appearance (*Laughter*). Only half a dozen high-paid officers would be residing in the municipal limits of Trivandrum in order to satisfy the provisions relating to taxation.

MR. G. V. VEKITAKRISHNA AIYAH (*Co-opted*): Sir, I think the Honourable members of this House will only be welcoming the Trivandrum City Municipal Bill that is now before them. The powers of the President and the Commissioner have to be enhanced and the number of the non-official councillors also increased to meet the increasing needs of the growing City of Trivandrum and to stimulate the efficient progress of its municipal administration ; and representations have been made to Government for preparing a draft Bill on the lines of the Madras Corporation. Sex disqualification in the matter of members of Municipal Council will be removed and the appointment of a non-official President is provided for in the Bill. The safeguards now put or specified in this Bill are also highly necessary. The provisions contained in this Bill are all essential for the safety and better conduct of the Municipal City of Trivandrum. With these words I support the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): The idea of Government in introducing the Trivandrum City Municipal Bill is to promote the betterment of the City of Trivandrum. Well, Sir, we, who have been watching the municipal administration of the various municipalities, know for certain that mismanagement of municipal affairs is the order of the day. In fact municipal squabbles have almost become a by-word with us. And such a Bill is highly necessary for the requirements of a growing and a rapidly growing city like Trivandrum. Well, Sir, some of the provisions contained in the draft Bill are no doubt very desirable. But the most important provision that I find in the draft Bill is the provision for the appointment of a Commissioner with better and enhanced powers. There is also the provision for the appointment of standing committees, for finance, taxation, works etc. This, I hope, will, to some extent, remove the existing evils in the municipal administration, namely, the see-saw fight that is going on between two sections of the Council at all times. It is seen from the Statement of Objects and Reasons that this Bill is framed on the model of the City Municipal Act of Madras. Well, Sir, I should like to see a Mayor for our City of Trivandrum and also some aldermen for whom provision has been made in the Madras Council. With these words I support the object underlying the principle of the Bill.

DEPUTY PRESIDENT: The question is that the principle of the Trivandrum City Municipal Bill be accepted.

The House agreed and the principle of the Bill was accepted.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I beg to move that the Bill be referred to a Joint Committee of both Houses to submit a report in six months. The Bill is a very long one and requires very detailed examination and when we remember the fact that it has to go through both the Houses, it appears to me that it would be better if a committee of both the Houses examine the provisions thereof. I move that the Bill be referred to a Joint Committee of the Assembly and the Council.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it

DEPUTY PRESIDENT: Does the House agree?

The House agreed to refer the Bill to a Joint Committee to report within six months.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce a Bill to make provision for the better management of the municipal affairs in Travancore except the City of Trivandrum. The Bill has been published in the Gazette, with a Statement of Objects and Reasons.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I had already stated that there will be one Bill for the Trivandrum City alone and another for all the other Municipalities of the State. Accordingly the Bill has been framed. The Bill is a long one and it is not necessary to explain all the provisions or the principles that are involved in these provisions. The details have been explained in the Statement of Objects and Reasons. I have no doubt that the Honourable members have read it. I trust that the principle of the Bill will be accepted by the House.

MR. K. R. ELENKATH (*Kalkulam I*): I support the principle of the District Municipalities Bill. Meanwhile, I cannot but observe that I find there are certain provisions which are abusive to the good conduct of the Council. For example, Sir, I find that the emergency powers of the Division Peishkar for which provision is made in the Bill will no doubt lead to interference with the Council very often to the detriment and good working of the Council. Then, Sir, the power to remove the elected non-official President vested in the Government and certain others dedicated to the District Magistrate seem to be retrograde instead of developments on the line of local self-governing institutions. Sir, there is ample provision for the election of a President who owes his position to the confidence reposed in him by brother councillors who are rightly given the power to remove him by a vote of no confidence. I refer to section 39, page 20, of the Bill where there is provision made by which a person who proves unworthy of the confidence of the Council shall be removed. Where then, Sir, is the necessity for taking arbitrary action by Government? There are many such provisions which ought to be considered very carefully by the Select Committee and I do not propose to take much of the time of the House by dealing with them one by one now. With these few words, I support the principle of the Travancore District Municipalities Bill.

MR. N. JOHN JOSEPH (*Nominated*): സർ, ബഹുമാനപ്പെട്ട ലാമെമ്പർ അവതരിപ്പിച്ചിരിക്കുന്ന തിരുവിതാംകൂർ ഡിസ്ട്രിക്റ്റ മുനിസിപ്പാലിറ്റീസ് ബില്ലിനെ അനുകൂലിക്കുന്നതിനു എനിക്കു അധികം സന്തോഷമുണ്ട്. വളരെ നാളുകൾക്കുമുമ്പുതന്നെ ഇങ്ങനെ ഒരു ബിൽ പാസ്സാക്കേണ്ടതായിരുന്നു. സ്വയംഭരണത്തിനു പ്രജകളെ പരിശീലിപ്പിക്കുക എന്നതാണല്ലോ മുനിസിപ്പാലിറ്റിയുടെ പ്രധാനോദ്ദേശം. അധഃകൃതർക്കും ഈ പരിശീലനം ലഭിക്കത്തക്കവണ്ണം ഈ ബിൽ രൂപീകരിക്കേണ്ടതാണ്. മുനിസിപ്പാലിറ്റികളെ യോഗ്യതരവുംമാതൃകാപരവും ആക്കിത്തീർക്കേണ്ട ഭാരം ഞാൻ ഉൾപ്പെട്ട അധഃകൃതരിലാണ് സ്ഥിതിചെയ്യുന്നതു്. അധഃകൃതരെക്കൂടെ സഹകരിപ്പിക്കത്തക്കവണ്ണമുള്ള ഒരു വ്യവസ്ഥയും ഇന്നത്തെ മുനിസിപ്പാലിറ്റികളിലില്ല. ഇപ്പോഴത്തെ മുനി

[Mr. N. John Joseph.]

സിപ്പാലിററികൾ അധഃകൃതരുടെകാര്യം അവഗണിച്ചുമാത്രം ഭരണംനടത്തുന്നതു ക്ഷന്തവ്യമല്ല. മുനിസിപ്പാലിററികൾനിമിത്തം ഒരു പ്രയോജനവും അധഃകൃതർക്കുണ്ടായിട്ടില്ല. ഇന്നത്തെ രീതിയിൽ മാത്രമുള്ള മുനിസിപ്പൽറഗുലേഷൻ മേലാലും തുടരുന്നപക്ഷം അതുകൊണ്ട് ഒരു പ്രയോജനവും അധഃകൃതർക്കുണ്ടാകുന്നതല്ല. അധഃകൃതരെക്കൂടാതെ മുനിസിപ്പാലിററികളിൽ വലിയവർക്കും ചെറിയവർക്കും ഒരുപോലെ സുഖപ്രദവും മാതൃകാപരവുമായ ഒരന്തരീക്ഷം സൃഷ്ടിക്കാൻ ആർക്കും കഴിവുണ്ടാകുന്നതല്ല. ഈ ബിൽ അധഃകൃതരുടെ അവശതകളെക്കൂടെ പരിഹരിഹരിക്കുന്നതിനു പര്യാപ്തമായവിധം വേണ്ട ഭേദഗതികളും മററും ചെയ്തു രൂപീകരിക്കണമെന്നു അഭ്യർത്ഥിച്ചുകൊണ്ട് ഈ ബില്ലിൻെറ തത്വത്തെ ഞാൻ അനുകൂലിച്ചുകൊള്ളുന്നു.

MR. R. RAMAN PILLAI (*Changanachery cum Peermade II*): ഈ ബില്ലിൻെറ തത്വത്തെ അനുകൂലിക്കുന്നു. ഇതു മദ്രാസ് സിററിമുനിസിപ്പൽ ആക്ടിനെ അടിസ്ഥാനപ്പെടുത്തി എഴുതിയിട്ടുള്ളതാണെന്നു പ്രസ്താവിക്കയുണ്ടായി. എന്നാൽ ആ ആക്ടിലില്ലാത്ത ഒരു സംഗതികൂടി ഇതിൽ ചേർക്കണമെന്നാണ് ഈ സഭയോടും സിലക്ട്കമ്മിററിയോടും എനിക്കു പറയുവാനുള്ളത്. പ്രായപൂർത്തിവന്ന സകല ആളുകൾക്കും സമ്മതിദാനാവകാശം കൊടുക്കണമെന്നുള്ള സംഗതി ഈ രാജ്യത്തെ ഭൂരിപക്ഷം ജനങ്ങളുടെയും ഇടയിൽ പ്രചരിച്ചുകൊണ്ടിരിക്കുന്ന ഒരഭിപ്രായമാണ്.

ഇപ്പോൾ ഏതെങ്കിലും തുക കരംകൊടുക്കുന്നവർക്കല്ലാതെ മററാർക്കുംതന്നെ സമ്മതിദാനാവകാശമില്ല. രാജ്യമൊട്ടുക്കു പ്രായപൂർത്തിവന്നിട്ടുള്ള ആളുകൾക്കു സമ്മതിദാനാവകാശം നൽകുന്നതിൻെറ പ്രാരംഭമായി തല്ക്കാലം മുനിസിപ്പാലിററിയിൽ മാത്രമെങ്കിലും ഇതു നൽകികണ്ടു പരീക്ഷിക്കണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു. ഈ അഭിപ്രായത്തോടുകൂടി ഈ ബില്ലിൻെറ തത്വത്തെ അനുകൂലിക്കുന്നു.

MR. M. RAMA VARMA RAJA (*Co-opted*): Sir, I support the general principles of the Bill. We have been crying for a very long time that Government's interference over the Municipalities is too much. So what I want to submit is that the Select Committee should be given full power to recast the Bill if necessary. We do not want here a Bill framed either on the lines of the Madras District Municipalities Act or the Bombay District Municipalities Act. What we want is an Act which will suit the conditions of Travancore. With these few words I support the general principles of the Bill.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): I also support the general principles of the Bill. This Bill proposes to make better the management of the Municipalities of the State except the City of Trivandrum. What I wish to point out in the first place is that the Peishkar interfers over the affairs of the Municipalities, which has just been referred to by my Honourable friend Mr. Elenkath. I doubt whether there would be any Municipal Chairman with any self-respect who will be submitting to the situation which is now created by such a provision in the Bill in so far as these powers are given to the Division Peishkars. There is another function also which is touched by it: that is the power of accommodation of the Chairman.

That is a defect and in the present Bill also that is sought to be retained. I trust such defects could be remedied at the Select Committee stage.

DEPUTY PRESIDENT: I wish to observe that it is now 5 O' clock and we have been sitting through a very long day of very difficult legislative business. All the same, if one or two people more desire to talk, I believe they will be brief in their observations and not take up much time when we will be able to do something more. Not that I want to impose any time-limit, but so far as this measure is concerned, considering the nature of the Bill and the variety of comments I suggested this. Uuder the circumstances, I would request the House to remain for 10 or 15 minutes more, so that we may be done with the business. Those who wish to speak may make brief remarks.

MR. M. SIVATANU PILLAI (*Tovala*): May I know from the Chair whether any time-limit is to be fixed for speeches in the present Bill?

DEPUTY PRESIDENT: No. But I wish you will be brief.

MR. M. SIVATANU PILLAI (*Tovala*): Yes, Sir. I am very glad that a Bill of this kind is now at least introduced. This Bill seeks to be an improvement on the present Regulation V of 1095. and the Preamble also says that it is intended for the better management of municipal affairs.

Sir, while reading the first page in the draft Bill, the impression I had is very sickening. The proviso of sub-clause (2) of clause 1 is the same as the proviso to section 8 of the present Regulation. I strongly object to this proviso being given a place in this Bill for the simple reason that the Government under cover of this proviso, can interfere with the peaceful administration of the Municipal Councils whenever it suits them, no matter howsoever injuriously that interference may affect the municipal interests. Similar provisions naturally occur in draft Bills emanating from Government and for all purposes they may appear to be harmless. In my personal experience, I have found, such provisions are bitter and dangerous to municipal administration in the sense of self-governing institutions.

To show this, I may cite an instance of the Government interference in the case of the Municipality over which I have the privilege to preside. There is a permanent cinema theatre.

DEPUTY PRESIDENT: Is that your Municipality of Nagercoil which you are adverting to?

MR. M. SIVATANU PILLAI (*Tovala*): Yes.

DEPUTY PRESIDENT: But I may tell you, you do not represent the Municipality. Here you represent your taluk.

MR. M. SIVATANU PILLAI (*Tovala*): There was an application for license to conduct cinema shows. The applicant was required to take licenses under two Regulations, one the Municipal Regulation and the other the Cinema Regulation, the latter of which till then remained unenforced by any of the Municipalities of the State. In other words, no Municipality required such applicants to take license under the Cinema Regulation though the said Regulation was in the statute for some years since 1102.

The said applicant for license will not take both licenses even though the law required it. On being refused, the applicant preferred an appeal before the Government contending that he was not liable to take licenses under both the Regulations. The appeal is not disposed of finally, though over 18 months have elapsed. But in the meantime, the Government upheld the contention of the Municipality that the demand of two licenses was valid in the eye of law and at the same time asked the Municipality to reduce the license of Rs. 50 per mensem under the Municipal Regulation. The Council did not agree to it. The Government so solicitous towards the applicant invited me as Chairman to a conference to sit over the matter of reduction of the above amount.

DEPUTY PRESIDENT. Are they not details?

MR. M. SIVATANU PILLAI (*Tovala*): They are the connecting links of the dispute between the applicant and the Municipality.

So then, it is to be noted in this connection that the Trivandrum Municipality also levied at the rate of Rs. 50 for such show. I was not able to understand why the Government treated the Nagercoil Municipality so differently from the Trivandrum City Municipality in the matter of levy of license fee for cinema shows. The conference method also did not avail to procure the reduction from Rs. 50 to five rupees that the Government proposed.

Then the Government under cover of section 8 of Regulation V of 1095, which is akin to this proviso, published a notificafion in the Gazette saying that the provisions of the said Regulation relating to the issue of cinema licenses were unsuited to the Nagercoil Municipality; as such they exempted it from exercise of those provisions. Well, imagine how this proviso was so utilised by the Government in favour of an individual, at the expense of the Municipality which was thereby deprived of its legitimate income of Rs. 50 per mensem.

DEPUTY PRESIDENT: You are out of order.

MR. M. SIVATANU PILLAI (*Tovala*): I only point out how far Government are favouring an individual at the expense of the Municipality, taking cover under the proviso in question.

DEPUTY PRESIDENT: The natural inference then is, there are two parties to the dispute.

MR. M. SIVATANU PILLAI (*Tovala*) : But the Government go out of the way in favouring one particular individual, taking advantage of this proviso.

DEPUTY PRESIDENT : It is quite proper for Mr. Sivatanu Pillai to criticise the action of Government in a legitimate way. But instances should not be detailed. Because the other side has no opportunity to make itself heard.

MR. M. SIVATANU PILLAI (*Tovala*) : I am only referring to the side of the Government and the Law Member is here to bear testimony to it.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : In the meantime what was the applicant doing ?

MR. M. SIVATANU PILLAI (*Tovala*) : He was merrily running his cinema shows. The Government gave him that privilege over the Municipality.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Can the member give out the name of the applicant ?

MR. M. SIVATANU PILLAI (*Tovala*) : The Proprietor of the Pioneer Picture Palace.

The exercise of powers under the old Regulation, namely, section 138 and section 139 is deprived by this Notification of the Government acting under section 8 proviso. As a result the legitimate income of the Municipality to the extent of Rs. 50 per mensem is gone.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Why was it not possible for the Municipality to get that income ?

MR. M. SIVATANU PILLAI (*Tovala*) : Because of Government interference and depriving the Council of its powers to realise the fee.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Is the Government order binding ?

MR. M. SIVATANU PILLAI (*Tovala*) : Yes.

DEPUTY PRESIDENT : Is it a matter *sub-judice* ?

MR. M. SIVATANU PILLAI (*Tovala*) : I am not discussing a matter which is *sub-judice*. It is not before a tribunal.

Such a proviso as that of section 8 of Regulation V of 1095 is sought to be put in by Government so that they can interfere with the peaceful carrying on of municipal affairs at any time they choose. Under the circumstances it is a wholly unwarranted and injurious provision introduced in this Bill.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*) : Did the Government cite the grounds on which they made such an invidious distinction?

MR. M. SIVATANU PILLAI (*Tovala*) : Absolutely nothing of the sort was mentioned, except they took liking in doing so.

DEPUTY PRESIDENT : The dispute in the Municipality does not come in for a detailed comment. The general principles of the Bill are more important than instances.

MR. M. SIVATANU PILLAI (*Tovala*) : Anyway, such a proviso should not find a place as per my bitter experience ; that is my humble submission.

[Mr. M. Sivatanu Pillai.]

Sir, if this be the result of the existence of such a clause enabling the interference so unwarrantedly on the part of the Government now presided over by a distinguished person with the hoary experience of over 25 years in the Local Self-Government institutions in British India, I despair of the fate of Municipalities to be governed by law with this proviso under a Government presided over by any other person with no such experience of Municipalities.

DEPUTY PRESIDENT : Please do not institute comparisons.

MR. M. SIVATANU PILLAI (*Tovala*) : The existence of such injurious provisos give undue advantage to Government, That vitally affects the revenue problem of Municipalites. Hence it is, Sir, I strongly object to the retention of this proviso which may prove rather detrimental or dangerous to the interests of the Council as instanced in the above case.

I find lower down, *i. e.*, coming to clause 2, sub-clause (i), it deals with acts already done by the Municipality under the existing Regulation. It reads thus:

Provided that—

(1) "the said repeal shall not affect the validity or invalidity of anything already done under the repealed enactment"

I fail to understand the significance of the phrase "or invalidity" before "of anything already done..................". It looks apparently innocuous and harmless. But applying the clause as it stands to the Nagercoil Municipality it forebodes incalculable danger to its interests. This is how it affects the Municipality of Nagercoil.

There are now several suits pending in courts against the Municipality preferred by a bus-owner resisting to pay motor vehicles tax levied by the Municipality. His contention is that the levy was not proper and legal. Those suits relate to arrears of tax on that account, for four or five years in the aggregate, amounting to over Rs. 20,000

If this prase be not inserted in the clause, it is apprehended that it may unfavourably affect the recalcitrant tax-payer. If this be retained not only it does not affect his contention in those suits but also he may be free to harass the Municipality by dragging the suits for years and also up to the High Court. The bus-owner is given a *carte blanche* as it were to go on in his way of raising frivolous contentions not to pay the said tax in a manner prejudicial to the municipal interest.

Sir, I see the hand of deliberation behind this peculiar phrase "shall not affect the invalidity of anything"; as it were it is perfectly natural to presume that the Regulation contemplates; the doing of invalid acts.

DEPUTY PRESIDENT : Your time is up.

MR. M. SIVATANU PILLAI (*Tovala*): In the proposed constitution of Councils under the Bill, there is a provision for an increased pro-

porition of the elected members. There is also a provision for the removal of sex disqualification and a motion for no-confidence is provided for. These are certainly changes for the better and in line with the object of local self-government institutions.

Now coming to the powers given to the Dewan Peishkars—

DEPUTY PRESIDENT: You have taken very much time.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I rise to support the general principle of the Bill. I wish to make only one brief observation. May I point out that there is a provision for the removal of a Chairman or a Vice-Chairman on the passing of a non-confidence motion. There is a similar provision in the corresponding British Indian enactment as well. This has given rise to a crop of litigation between the Chairman and the Councillors and has even created communal jealousies. The relations between the Councillors on the one hand and the President on the other have been embittered and the smooth working of Councils has been in jeopardy. So much so, the Government of Madras are now trying to tackle the situation by a suitable amendment of the Act. What I suggest is that we may profit by the experience gained there in working the corresponding provision. I am only throwing out a suggestion to the Select Committee to consider whether the Committee cannot apply its mind to the difficulties encountered in working a corresponding provison in the British Indian Act and find out suitable remedies to erradicate the evils and incorporate them in the enactment. Sir, I support the general principles of the Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am glad that the Government have decided to change the Municipal Law of the land. But one regrettable feature I see with regard to this Bill is, instead of making an enquiry into the manner in which municipal affairs of the State are administered and making provision for their better administration, the Government have brought forward a Bill based upon the Madras District Municipalities Act. A look into the Administration Reports of Municipal Councils will reveal the fact that the collections in most of the Municipalities are very poor. It is only something like 25 or 30 per cent of the total dues that are actually collected by some of the Municipalities. The reason for that is that the Municipalities are not giving them sufficient return for the amount that people have to pay. As a result of that we find representations are made to Government for abolishing Municipalities, discontinuing Municipalities and against the extensions of municipal areas and the rest of it. From what I know I can safely say that persons living in suburban areas of Municipalities fear inclusion of their areas. They think that it is an additional burden on them without giving adequate return for the taxes imposed on these people.

In this Bill we do not find sufficient provision in addition to those existing at present for making the people believe that the Municipalities are going to be administered in a manner more advantageous to th

[Mr, A. S. Damodaran Asan.]

people. On the other hand we find that there are additional provisions for further taxation. When the Municipalities of today which administer their affairs are unable even to collect their legitimate dues under the present law, I do not know why Government should add to the number of taxes without providing greater amenities to the municipal inhabitants. What I am submitting is, persons living in suburban areas do not want extensions of municipal limits. When the limits of the Neyyattinkara Municipality were proposed to be extended the people raised a hue and cry. Now there is the same cry from the Mavelikara Municipality. I have received several representations on the subject to say that this is a sort of nuisance that is sought to be introduced into their midst. They cannot bear further taxation. The Haripad Municipality was abolished because the people did not want it.

Of course there is provision for increasing the proportion of elected to nominated members.

As far as my information goes I may say that in the majority of cases, excepting the members on the Municipal Council and the employees, the inhabitants of the areas are against the Municipality.

DEPUTY PRESIDENT: Do you say that elected members are not doing their duty?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I say that Municipal Councils are not doing their duty. I do not wish to separate the elected members from the nominated.

DEPUTY PRESIDENT: So that your opinion is that the elected representatives of the people may not be given authority to tax the people?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I have already stated what I had to say on the matter.

DEPUTY PRESIDENT: But it was not clear. It is a very important matter. I want just to know whether you are against the representatives of the people being given the power of taxation. I want to know Mr. Asan's view whether he is in favour or not of allowing the elected majority of the representatives of the people to tax them.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am against the administration of the Municipal Councils as at present constituted. Even from the very beginning of the existence of the Municipalities, as early as 1069, the main functions of the Municipalities were to look after sanitation and lighting. Now we find that the Regulation of 1095 gives so many other functions to the Municipalities though such functions are not discharged by them. I beg to submit that this is a very mportant piece of legislation and the House must have some more time to consider it.

DEPUTY PRESIDENT: I may make it very clear that at the fag end o the day we should not trouble the House and any gentleman who

rose to speak after being present at the time I made it very clear and assented most unambiguously to that very reasonable undertaking. Not that I want to use any powers. But I may say to Mr. Asan that personally I am prepared to sit for any length of time. Mr. Asan may have two or three minutes time more.

MR. PUTHUPALLI S KRISHNA PILLAI (*Quilon II*): What about those members who were not present here at that time?

DEPUTY PRESIDENT: I am very glad to give an answer that every member of this House is expected to be present here from 11 A. M., to 5 P. M. except during the interval.

MR. PUTHTPALLI S. KRISHNA PILLAI (*Quilon II*): Owing to reasons unavoidable, these gentlemen were prevented from being present.

DEPUTY PRESIDENT; With regard to the exercise of the powers under the law there is no question of assent arising. But at the fag end of the day when a very large number of members are present, discussion has been going on, and the Chair gave the direction that the members will understand the thing in the right spirit; I think Mr. S. Krishna Pillai will not be serving himself by raising that point of order.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is clear.

DEPUTY PRESIDENT: When once a ruling is given no member has got a right to express an opinion upon it. Will you please withdraw that statement?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, I withdraw.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): So, in view of the fact that I have only very little time, all that I would urge is that in view of these facts all changes that are necessary for the greater advantage of the inhabitants of the Municipalities must be incorporated in the Bill, whether that be against the principles enunciated here or not. The inhabitants of the Municipalities must be given an opportunity or must be examined and their evidence taken before this Bill is brought up for the second reading.

DEPUTY PRESIDENT: You mean the Select Committee?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The Select Committee or some members of the Select Committee deputed for the purpose by the Select Committee as sub-committees.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have heard all the observations made by the various members and I may assure them that every one of them will be considered by the Select Committee. A detailed reply will not serve any purpose and is not necessary because, as I said, all these things must be considered and ought to be considered by the Select Committee.

DEPUTY PRESIDENT: Does the House agree to the principle of the Bill being confirmed?

The principle of the Bill was accepted by the House.

The Secretary then read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill be referred to a Joint Committee of the Assembly and the Council to report within six months.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

The motion was carried.

DEPUTY PRESIDENT: The House will now adjourn and meet again tomorrow at 11 O'clock.

The Assembly adjourned at 5-20 P. M.

K. MADHAVA KURUP,

Secretary to the Sri Mulam Assembly.

PROCEEDINGS

of

THE TRAVANCORE SRI MULAM ASSEMBLY.

OFFICIAL REPORT.

FIRST ASSEMBLY.

FOURTH SESSION.

Friday, the 25th January 1935/12th Makaram 1110.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the clock, the President Presiding.

QUESTIONS AND ANSWERS.

Aided Vernacular Schools.

93. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state:

(*a*) the number of Vernacular Schools in receipt of grant-in-aid in Karkatakam 1109;

(*b*) the number of schools referred to in part (*a*) for which no grant has been paid in Chingam, Kanni or Tulam owing to the delay in renewing grant memos; and

(*c*) the number of cases in part (*b*) in which this delay is due to the failure of the management in applying for renewal of grant memos in time?

MR. R. M. STATHAM (*Director of Pubic Instruction*): (*a*) 2,257.

(*b*) The exact number is not readily available, but it must have been limited.

(*c*) Nil.

MR. A. S. DAMODARAN ASAN (*Maveikara*): With reference to answer to part (*b*), may I know from the member whether there is any list of schools kept in the Director's office from which the required information could be gathered?

MR. R. M. STATHAM (*Director of Public Instruction*): There is no list in the Director's office to show on what particular date a particular Vernacular School gets the grant memo.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Financial Assistant to the Director keeps a list of schools for which grant has been paid during a month?

G. P. T. 1639. 350. 7-10-1110.

MR. R. M. STATHAM (*Director of Public Instruction*): We have got a list of schools in my office showing which schools receive grant-in-aid. We do not keep the details as to the day or date on which the grant memos have been issued by the Divisional Inspectors.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I want to know the number of schools for which grant has not been paid actually in Chingam, Kanni and Thulam owing to the delay in renewing grant memos. My question is how many schools there are which have not received any grant during Chingam, Kanni and Thulam?

MR. R. M. STATHAM (*Director of Public Instruction*): The answer given to the question, I admit, is not an exact answer, but I think the number of such schools must be limited. The records which would show when the grant memos are issued are kept in the Divisional Inspector's office and not in my office.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): My question is not with regard to the date of issue of the grant memos. But it is with respect to the number of schools that have not been paid grants. The Director says that it must have been limited. May I know the basis upon which that statement is made?

MR. R. M. STATHAM (*Director of Public Instruction*): On this basis, namely, that I get reports from the Divisional Inspectors from time to time during the year as to how they are proceeding with re-issue of the grant memos.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Do the Divisional Inspectors report as to the number of schools to which the grant memos have not been renewed?

MR. R. M. STATHAM (*Director of Public Instruction*): They do in cases where the grant memos are not going to be renewed.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member whether he can give the approximate number of schools which have not received the renewing grant memos?

MR. R. M. STATHAM (*Director of Public Instruction*): I can if the member will say whether he refers to schools refused aid or to schools which were eventually aided.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know the number of Vernacular Schools to which there was delay in the issue of renewing memos?

MR. R. M. STATHAM (*Director of Public Instruction*): There was delay in all the Vernacular Schools this year.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether there is an officer in the Director's office who is in charge of receipt of grant memos?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I have not finished, Sir.

PRESIDENT: Well, finish it soon.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The Director was stating that in the beginning of the year all the schools were not in receipt of grant-in-aid memos. I wish to know how many schools there were which had not received grant memos on the 30th of Chingam.

MR. R. M. STATHAM (*Director of Public Instruction*): I am afraid I cannot tell that now. I do not wish to conceal anything with regard to the information sought for by the member. The position is this. This year is the first time that all the Vernacular Schools had their grants-in-aid renewed from the same day, viz., from the beginning of the year. The re-issue of all memos simultaneously took time and the Account Office also instructed the Director to give new numbers to all schools and hence the re-numbering of the schools had to be done and consequently there happened to be some delay.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I rise to a point of order. I heard the member to say that he did not wish to conceal anything. Is it open to a member to say that he does not want to conceal anything? Considering the proceedings of the House, I wish that statement may be withdrawn. It may be a reflection upon the member speaking and a reflection upon the other members also. So I wish a ruling.

PRESIDENT: I do not quite see any point of order at all.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I will explain myself. I heard the member to say "I do not wish to conceal anything." That is a matter in which one would congratulate the official member, because, when a Government member says that he does not wish to conceal anything, by implication it means there is a suggestion as to concealment. It may affect the prestige of the Government member.

PRESIDENT: I do not think what is said meant more than this. He was convincing the Honourable member who was putting supplementary questions to take it from him that all the information at his disposal are placed before the House. That is all, I think, he has said.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It has been brought to the notice of the Director that there was much delay in the issue of grant memos and disbursement of grants in regard to a number of schools. May I know from the Director whether he has taken any step to see that any such delay on the part of the Inspectorate does not cause any prejudice to the grant-in-aid schools in future?

MR. R. M. STATHAM (*Director of Public Instruction*): The delay was due to the two special circumstances that I have just now told the member about. I have however issued a circular to see that the work of taking up the reconsideration of grant memos be taken up in future years earlier and to see that all memos are issued within the first two months. I may also inform the member that the grant memos used to be issued irrespective of the budget grant. What we are now doing is to issue memos only after receipt of budget sanction. On that account also there will always be a small delay.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether it is the Director of Public Instruction or the Divisional Inspectors that are empowered generally to sanction grant-in-aid?

MR. R. M. STATHAM (*Director of Public Instruction*): The Divisional Inspectors.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member when this interpellation was sent to the member, whether, he took care to call for the exact number required in the interpellation from the Inspectors?

MR. R. M. STATHAM (*Director of Public Instruction*): No, I did not, because, if I had called for it, I might not have been able to answer the question during this session. It must go not only to the Divisional Inspectors but also to the Assistant Inspectors, which means delay.

English Middle School at Nedumangad.

94. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state:

(*a*) how many English Schools there are in the Nedumangad taluk:

(*b*) how long it is since the English Middle School was started at Nedumangad:

(*c*) whether the people of the taluk have not given a *pucca* building and a compound for starting the existing English Middle School; and

(*d*) whether the Government, when they started the school, have not promised to raise the Middle School to a High School as early as possible?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) One.

(*b*) 13 years and 8 months.

(*c*) Yes.

(*d*) No.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*d*), may I know from the member whether there were constant demands from the public that the Middle School at Nedumangad should be raised to a High School?

MR. R. M. STATHAM (*Director of Public Instruction*): I do not know whether there were constant demands, but there have been demands.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether the representatives of the taluk have demanded the raising of the Middle School to a High School in successive sessions of the Sri Mulam Popular Assembly?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, I think so.

MR. S. J. NAIR (*Nedumangad*): May I know whether in this Sri Mulam Assembly also the same demand was made by the representative of the Nedumangad public?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, I think so.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Government desire to raise the Middle School into a High School?

PRESIDENT: What is the question?

MR. S. J. NAIR (*Nedumangad*): May I know from the member if it is the intention of the Government to raise the Middle School at Nedumangad into a High School very early?

PRESIDENT: That is a question on the future action of Government.

MR. S. J. NAIR (*Nedumangad*); May I know from the member whether the Government propose to raise the Middle School into a High School?

PRESIDENT: Again the same thing. Those who understand English can see that it is a paraphrase of the former question. (*Laughter*).

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether it is the age of the institution or the progress of the institution that is considered in raising a Middle School into a High School?

MR. R. M. STATHAM (*Director of Public Instruction*): I do not think the age of the institution is considered. The necessity for a High School to meet the local needs is the important factor.

Police Administration in Nedumangad Taluk.

95. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) when the present Commissioner of Police took charge of the Commissionership;

(*b*) what is the distance of the Nedumangad Town from Trivandrum;

(*c*) whether the present Commissioner of Police has visited the Nedumangad Police Station and inspected it as yet; and

(*d*) if the answer to part (*c*) is in the affirmative, when he visited it?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) On the afternoon of 24-11-1933/9-4-1109.

(*b*) 12 miles.

(*c*) Not visited and inspected.

(*d*) This does not arise in view of answer to part (*c*).

Appointment of Income Tax Collectors.

96. ***MR. T. P. VELAYUDHAN PILLAI** (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) the names, native place, qualification and previous experience if any, of the newly appointed Incomdas Collectors; and

(*b*) the names of the applicants for the post, with their native place, qualification and previous experience, if any?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(a) (i) *Name* S. Seshagiri Rao.
Native place Trivandrum.
Qualification. B. A., G. D. A.
Experience. Was a full-time apprentice for 3 years under Messrs. K. John & Co., Madras, his period of apprenticeship was recognised by the Bombay Accountancy Diploma Board.

(ii) *Name* P. Chandrasekhara Pillai
Native place Trivandrum.
Qualification B. Com. (Bombay). About 3 years as Income Tax Clerk and over 7 years as Income Tax Auditor.

(b) Government do not think that the preparation of the information called for is worth the time and labour to be spent on it.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): With reference to answer to part (a), may I know from the member whether Mr. Seshagiri Rao has expert knowledge in Malayalam or Tamil?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Goernment*): I do not know whether he has *expert* knowledge in Malayalam or Tamil.

MR. T. P. VELAYDHAN PILLAI (*Tiruvalla III*): I rise to a point of order. In the printed list the answer to my question stands against the name of Mr. K. George. My supplementary questions have therefore, under Rule 18 of the Legislative Rules, to be answered by Mr. George, the Land Revenue and Income Tax Commissioner. I was addressing my supplementary questions to that member. May I know from the Chair whether it is in order for another official member to give onswers to my supplementary questions?

PRESIDENT: Perhaps the Honourable member has forgotten that two days ago the Chief Secretary, on behalf of Mr. K. George who is a member of this House, asked the permission of the Chair to answer questions on his behalf during the period of Mr. George's ill-health and the Chair allowed that privilege. The same privilege is continued today also.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know then why Mr. George's name was written in the printed answer?

PRESIDENT: In the hope that he will come.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member to which part of the Trivandrum Town Mr. Seshagiri Rao belongs?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know to which particular ward in Trivandrum he belongs. His native place is Trivandrum.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the particular part of Trivandrum to which he belongs?

PRESIDENT : You want to know the particular street?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the name of the house or the municipal No. of his house?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether he possesses any landed property in Travancore?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government the Second Language in which he has taken his B. A. Degree?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have no information.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government whether his Second Language was Canarese?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not know.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the Government the languages in which the Account Books he has to examine, in his capacity as Income Tax Collector are generally written?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): English, Malayalam, Tamil and also, I believe, Gujarati in which some merchants in Alleppey keep their accounts.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from Government whether Mr. Rao has sufficient knowledge of the Tamil language?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I think he may know Tamil. Whether he has sufficient knowledge of it I cannot say.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): The member said he *may know*. I want definite information.

PRESIDENT: The member wants to know the degree of proficiency.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether that fact was ascertained before appointment?

RAO SAHIB DR. N. KNJAN PILLAI (*Chief Secretary to Government*): Which fact, Sir?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): The fact whether he has sufficient knowledge of Malayalam and Tamil.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No, it was not.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know from the member whether all the other applicants were given interviews?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): We received about 80 applications and from those we selected about 10 and interviewed those ten applicants.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether one Mr. Ganapathi of Nagercoil was an applicant for the place?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether any opportunity was given to him for interview?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Notice was sent to him. But he did not appear.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the address to which such notice was sent?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Notice was sent to his Madras address, because that was the address given in his application.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know that address?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have not got it with me.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Land Revenue Commissioner was originally invited to be present at the interview?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes, he was invited.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): My question is, was he originally invited to be present?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I do not quite understand the implication of the word 'originally'.

PRESIDENT: I can understand the question. But what is the sense in which you use the word 'original' please?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): I understand Mr. George was invited after some communication to that effect made by the Land Revenue Commissioner; so I put the question whether he was originally invited.

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The interviews were all held on one and the same day and the Land Revenue Commissioner was present on the occasion.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Land Revenue Commissioner had written to Government that he should also be present?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The correspondence between Government and the Commissioner is confidential.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Was it the recommendation of the Commissioner that Mr. Ganapathi should be appointed?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That matter again is confidential.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether there were not more experienced men in the department for the work?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Among the numerous applications received by Government, they first selected 10 applicants on the merits of their qualifications and experience and granted interviews to them. Out of these, they selected the two best, on the basis of experience, qualifications and other considerations.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether there were not more experienced men in the Income Tax Department for the work?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether there were any special reasons for the appointment of Mr. Rao?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): His qualifications and experience in income tax work and no other reason.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether there were other applicants who possessed similar qualifications?

PRESIDENT: I am now beginning to think the need for limiting the number of supplementary questions which each member is entitled to ask.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know, is the present answer given, the address in Mr. Rao's application?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether this address was given in the application form?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the member be pleased to give what it is by looking at the application form?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I am sorry. The application is not with me now.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from where this information was obtained?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): At the interview he was questioned and the answers given by him were satisfactory. The Government were convinced that he was a native of Trivandrum.

Salary of Divisional Inspectors of Schools.

97. *MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): Will the Government be pleased to state:

(*a*) whether they have fixed the salary of the newly appointed Divisional Inspectors of Schools; and

(*b*) if the answer to part (*a*) is in the affirmative, the salary so fixed and the date thereof?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) No.

(*b*) This does not arise in view of the answer to part (*a*).

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Divisional Inspector occupies a different cadre than a Head Master of a Secondary School?

MR R. M. STATHAM (*Director of Public Instruction*): Yes.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know the maximum salary of the Head Master of a Secondary School?

MR. R. M. STATHAM (*Director of Public Instruction*): Rs. 300.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the Divisional Inspectors have to supervise the work of Head Masters as well?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes.

Recruitment of Teachers.

98. *MISS HEPZIBAH GNANASIKAMONY (*Nominated*): (*a*) Will the Government be pleased to state how and for what reasons the efficiency grade introduced in 1923 for the specific purpose of encouraging undergraduate teachers of real merit and work has failed to find a place in the present G. O. on recruitment of teachers?

(*b*) Will the Government be pleased to lay on the table a statement showing:

(i) the sanctioned number of efficiency grade posts;

(ii) the number of permanent incumbents (men and women) in the above posts; and

(iii) the number of efficiency grade vacancies filled up temporarily or otherwise by non-undergraduate teachers?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Because the G. O. regarding the waiting lists relates to initial appointments only.

(*b*) (i) 23.

(ii) 11.

(iii) 12.

MISS HEPZIBAH GNANASIKAMONY (*Nominated*): In answer to part (ii), may I know the number of permanent incumbents from among women in the above post?

MR. R. M. STATHAM (*Director of Public Instruction*): Nil.

MISS HEPZIBAH GNANASIKAMONY (*Nominated*): May I know why?

MR. R. M. STATHAM (*Director of Public Instruction*): I did not distinguish the ladies and gentleman in this answer. But the question relates only to the men's branch.

Dispensary at Edappalli.

99. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state:

(*a*) whether they have received any representation to open a dispensary at Edappalli.

(*b*) whether the Inspecting Medical Officer has made any report to Government for starting a dispensary there;

(*c*) if so, what action has been taken by the Government in the matter;

(*d*) the distance from Edappalli to the nearest District Hospital at Alwaye; and

(*e*) the population of Edappalli North and South *pakuthies*

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) Yes.

(*b*) Yes at the instance of the Inspecting Medical Officer, the Administrative Board, Medical Services, in their resolution dated 29-8-1927, recommended the opening of a dispensary at the place under the Rural Medical Relief Scheme.

(*c*) Owing to financial stringency, the opening of new dispensaries in the State under the Rural Medical Relief Scheme has been postponed to better times.

(*d*) 8 miles.

(*e*) The population of Edappalli and the neighbourhood is 25,000.

MR. K. MAHOMED (*Alwaye*): Is the member aware that the nearest Government hospital available is 8 miles away from Edappalli and so how could medical aid be given to the inhabitants of that place?

MR. JAMES SIMPSON (*Darbar Physician*) It is not an unusually long distance when compared to places which are more than 8 miles and, further, there are motor conveniences between important places.

MR. K MAHOMED (*Alwaye*): In view of the fact that the nearest hospital is 8 miles away from Edappalli and in view of the fact that the population is 25,000, will the Government be pleased to consider the establishment of a hospital as a special case in this locality?

PRESIDENT: Future action; not allowed.

Muslim Sub-Registrars.

100 *MR. K. MAHOMED (*Alwaye*): Will the Government be pleased to state:

(*a*) how many years have elapsed since a Muslim was appointed as Sub-Registrar in the State:

(*b*) after this appointment, how many non-Muslims were appointed as Sub-Registrars; and

(*c*) how many qualified Muslims there are in this department now to hold Sub-Registrars' posts?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) 22 years.

(*b*) Roughly 89.

(*c*) 3. A graduate and two undergraduates.

MR. K. MAHOMED (*Alwaye*): Of the 89 appointments of Sub-Registrars, was there not a single occasion to consider the appointment of a Muslim?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The number of Muslims employed in the Registration Department is very limited and they are not yet ripe for promotion as Sub-Registrars. There is one Muslim in the department who has acted off and on and his turn for a permanent appointment has not yet come. There are two more Muslim clerks in the department and their turns also have not yet come.

MR. K. MAHOMED (*Alwaye*): Can the member say the date of the appointment of the first Muslim who entered service?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): 22 years ago.

MR. K. MAHOMED (*Alwaye*): Am I to understand then that even that one Muslim who entered so long ago though acted off and on, has not his turn come for a permanent appointment yet?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That is because there are many seniors to him.

MR. M. SIVATANU PILLAI (*Tovala*): So out of these 89 appointments there was none recruited from outside the department. Apart from the question of seniority or the question of waiting, am I to take it there was none recruited so that a Muslim's claim may be considered?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): None was recruited from outside Government service. There might have been recruits from other departments who might be seniors to the Muslim candidate.

MR. M. MAHOMED HANEEF (*Nominated*): May I know the date when the Muslim who was acting off and on was first appointed as Ag. Sub-Registrar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. M. MAHOMED HANEEF (*Nominated*): May I know the year of his first or last appointment as Sub-Registrar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Sometime in 1101. I do not know the exact date.

MR. M. MAHOMED HANEEF (*Nominated*): May I know how long he had acting service as a Sub Registrar?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I have no information.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether there is any instance where the claims of a Muslim were overlooked?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

Education Department Co-operative Benefit Fund.

101. ***MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state:

(*a*) whether the Director of Public Instruction is the Patron and the Inspector of Vernacular Schools is the President of the Travancore Educational Department Co-operative Benefit Fund Ltd., No. 1964;

(*b*) (i) the amount that has been collected by the above institution, (ii) the amount that has been distributed and (iii) the balance that is now (say, on 10-11-1109) available;

(*c*) the number of members on the rolls at present; and

(*d*) whether the Department is taking any step to protect the interests of the persons who have contributed to the Fund?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Yes.

(*b*) (i) Bh. Rs. 94,453 Chs. 3 Cash 2.

(ii) Bh. Rs. 10,744 Chs. 2 Cash 13.

(iii) Bh. Rs. 83,709 Chs. 0 Cash 5.

(*c*) 4,576 members.

(*d*) Certain proposals regarding the Fund made by the Director of Public Instruction are under the consideration of Government.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether there is an officer of the name of Inspector of Vernacular Schools at present?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know who is the President of the Co-operative Benefit Fund?

MR. R. M. STATHAM (*Director of Public Instruction*): The Divisional Inspector, Quilon.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether, under the rules of the fund, the Divisional Inspector, Quilon, is entitled to continue as President?

MR. R. M. STATHAM (*Director of Public Instruction*): I am not quite sure whether he is entitled under the rules to function. But as the answer shows, recommendations have been made to Government to change the whole constitution and, pending the orders of Government, he is to carry on his previous work.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the Director is now exercising his functions as Patron?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes. His functions are very few under the rules.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): In answer to part (*b*) may I know the date on which proposals were submitted for the consideration of Government?

MR. R. M. STATHAM (*Director of Public Instruction*): 14th September 1934.

MR. M. N. NAIR (*Kottayam I*): Are there applications for withdrawal by the members?

MR. R. M. STATHAM (*Director of Public Instruction*): Such applications do not come to me.

MR. M. N. NAIR (*Kottayam I*): Was it compulsory on the part of teachers to become members of the fund?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. M. N. NAIR (*Kottayam I*): Was any force brought to bear on the teachers to become members of the fund?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. K. PADMANABHAN (*Chirayinkil I*): In answer to part (*c*) may I know whether all members make contributions?

MR. R. M. STATHAM (*Director of Public Instruction*): I cannot say whether the members given in the answer are at the moment members. But such of them as are members make their contributions.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know, is there permission to make the Divisional Inspector President of the fund?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know how this balance was invested and where?

MR. R. M. STATHAM (*Director of Public Instruction*): I cannot give the member a detailed statement. But I understand they are mainly invested in local banks.

Road from Ariyittakunnu Bungalow to First Bridge.

102. *MR. K. PADMANABHAN (*Chirayinkil I*): Will the Government be pleased to state:

(*a*) whether they or the P. W. D. have received petitions from the people of Nedunganda (Chirayinkil taluk) complaining against the neglected condition of the road from the Ariyittakunnu Bungalow to First Bridge and

(*b*) if the answer to part (*a*) is in the affirmative, the action taken upon them?

MR. G. B. E. TRUSCOTT (*Chief Engineer*):

(*a*) Yes.

(b) An estimate for metalling the road had been prepared by the Executive Engineer and it is under scrutiny by the Chief Engineer.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know the number of petitions received by Government regarding the neglected condition of the road?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Several.

MR. K. PADMANABHAN (*Chirayinkil I*): Can the member say the earliest of the representations received by him?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I have to look into the records.

MR. K. PADMANABHAN (*Chirayinkil I*): Is the member aware that a former Dewan inspected the spot once?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes, in 1932.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know whether he received a petition on the spot?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): Is the member aware that the road is lying along the banks of the canal?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes.

MR. K. PADMANABHAN (*Chirayinkil I*): And that during the rainy season traffic is obstructed?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Not to that extent depicted by the member.

MR. K. PADMANABHAN (*Chirayinkil I*): Will the member kindly consider to make improvements on the road at the earliest opportunity?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): An estimate has been sanctioned and when we have funds, the matter will be considered.

Tube wells in the Chirayinkil Taluk.

103. ***MR. K. PADMANABHAN** (*Chirayinkil I*): Will the Government be pleased to state:

(a) whether they are aware that good drinking water is not available in the coastal regions of Chirayinkil taluk;

(b) if the answer to part (a) is in the affirmative, what action has been taken in the matter; and

(c) why the sinking of two tube wells, one at Kayikkara and the other at Nedunganda, is left unfinished?

MR. G. B. E TRUSCOTT (*Chief Engineer*) (a) Yes.

(b) and (c) An estimate was sanctioned for sinking two tube wells at Kayikkara and Kavil Vattam and pipes were sunk to a depth of 81 feet. But the water was found to be saltish. Further deepening is in progress.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the Government when the two tube wells in the Chirayinkil taluk, one at Kayikkara and the other at Nedunganda was started sinking?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Sometime in 1931. I am not sure of the exact date.

MR. K. PADMANABHAN (*Chirayinkil I*): Is the member aware that a resolution was passed in this House in Karkatakam 1108 to the effect that good drinking water is not available in Chirayinkil taluk and Government must find a means to remedy that?

MR. G. B. E TRUSCOTT (*Chief Engineer*): Yes.

MR. K PADMANABHAN (*Chirayinkil I*): May I know from the member whether with reference to that resolution any action was taken by Government apart from sinking of tube wells?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I do not know what action has been taken by Government.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether the Chief Engineer has received any petition during recent times from any other place to the effect that there is scarcity of drinking water in those places?

MR. G B. E. TRUSCOTT (*Chief Engineer*): Yes. I have received petitions to that effect.

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether he will consider that petition?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Yes. I shall consider it.

Sir, I would like to make a statement regarding tube wells. Two tube wells were sunk one at Kayikkara and the other at Kavilvattom expecting to find good drinking water. On sinking to a depth of 81 feet, the water was found to be saltish. Further sinking is in progress,

MR. K. PADMANABHAN (*Chirayinkil I*): May I know from the member whether he has received any petition for tube wells being sunk from Kadakkavur?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I can't answer that question without referring to the files.

Adoor Vernacular Middle School for Girls.

104. ***MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(*a*) whether the Director of Public Instruction received any petitions or complaints regarding the misconduct of the Headmistress of the V. M. G. School at Adoor, towards the girl students of Class VII:

(*b*) what action has been taken thereon:

(*c*) whether a Muslim girl student of Class VII of the school was suspended on a false case being trumped up against her by the Headmistress of the school:

(*d*) whether the Director has received petitions, from the parents of the students, to the effect that the frequent transfer of the staff of the said school has seriously affected the progress of the class work and promotion of the students, especially those of Class VII:

(*e*) whether the Chief Inspectress of the State has received any letter from the Headmistress regarding the suspension of one Halima Bibi, student, Class VII of the V. M. G. School at Adoor;

(*f*) for what reasons the punishment was given;

(*g*) how many transfers there were in the said school during the last five years; and

(*h*) what factors determine the transfer of the staff of a school?

MR. R. M. STATHAM (*Director of Public Instruction*) : (*a*) Yes.

(*b*) An enquiry was made.

(*c*) A Mahomedan girl was suspended for four days, because she refused to apologise to the Headmistress after she had spoken insolently to the Headmistress.

(*d*) Yes.

(*e*) Yes.

(*f*) The member is referred to the answer to part (*e*).

(*g*) Ten changes were effected.

(*h*) In the case of this school, four transfers were effected by promotions, one by admission to a training course and five at the request of teachers. These are normal reasons for transfers.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : With reference to answer to (*b*) may I know the nature of the enquiry made?

MR. R. M. STATHAM (*Director of Public Instruction*) : An enquiry in the usual way was made by the Assistant Inspectress on the spot. A report was submitted to me by the Inspectress.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : Has the Director made any personal enquiry?

MR. R. M. STATHAM (*Director of Public Instruction*) : No.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : May I know from Government whether the Director has ever inspected that school?

MR. R. M. STATHAM (*Director of Public Instruction*) : No.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : May I know from the member whether there was any allegation in the petition to the effect that the report of the Headmistress was false?

MR. R. M. STATHAM (*Director of Public Instruction*) : I think there was some such allegation.

The allegation with reference to ill-treatment of the girl by the Headmistress appears to be incorrect.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : May I know from the member whether any statement from the parent of the girl was taken?

MR. R. M. STATHAM (*Director of Public Instruction*) : I can't say that.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : With regard to the transfer of teachers at their request, out of the five, who were transferred, how many were transferred in the middle of the school year?

MR. R. M. STATHAM (*Director of Public Instruction*) : I cannot exactly mention the number off-hand. Transfers do sometimes take place in the middle of the school year.

Trivandrum-Kattakada and Nalukettu-Tirupuram Roads.

105. * **MR. T. KRISHNA PILLAI** (*Neyyattinkara II*) : Are the Government aware that the neglected condition in which the Trivandrum—

Kattakada road *via* Malayinkil and the Nalukettu—Tirupuram road are left, is causing considerable hardship to both pedestrians and passengers?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): No.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): May I know from the member the approximate date on which the Chief Engineer received my interpellation?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I don't remember the exact date.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): In view of the fact that it is about three months since my interpellation was sent to Government, may I know from Government why he failed to make an enquiry about the neglected condition of the roads?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The Chief Engineer did not fail to make an enquiry.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I can't hear, Sir.

Bridge over the Alleppey-Shertala canal near Kommady.

103. *MR. K. M. KRISHNAN (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they are aware of any representation made regarding the construction of a bridge over the Alleppey-Shertala canal near Kommady; and

(*b*) if so, whether Government have taken any steps in connection with that?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) Yes.

(*b*) Estimate was prepared; but as it was found not suitable to the actual requirements, a recast estimate is being prepared by the Division Officer.

MR. K. M. KRISHNAN (*Ambalapuzha II*): With reference to answer (*b*) what was the amount of the estimate that was prepared?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Rs. 16,000.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know from the member how was the estimate found not suited to actual work?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): Because the heavy cost that would have to be incurred would not be justifiable for the locality and I have asked the Division Officer to recast the estimate making a substantial reduction and he is doing so.

MR. K. M. KRISHNAN (*Ambalapuzha II*). May I know from Government whether the place where the bridge is to be constructed is adjacent to the Alleppey Town?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I think it is.

MR. K. M. KRISHNAN (*Ambalapuzha II*): May I know from Government whether the required fund will be allowed in the next budget?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I cannot promise what will be allowed in the next budget.

MR. EDAVANATT S. PADMANABHA MENON (*Sheriala I*): May I know from the member the distance between the proposed bridge and the Alleppey Commercial Canal?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I do not remember.

MR. EDAVANATT S. PADMANABHA MENON (*Sheriala I*): May I know from the member when the revised estimates were called for from the Division Officer?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): I think it was on 31-5-1933.

Closing of Departmental Schools.

107. ***MR. K. SANKARAN** (*Kartikapalli I*): Will the Government be pleased to state:

(*a*) the number of departmental schools that have been closed in the year 1109 and in 1110 up to the 15th of Thulam.

(*b*) the number of non-departmental schools whose recognition has been withdrawn during the period beginning 1st Chingam 1109 and ending with 15th Thulam 1110; and

(*c*) whether, in the case of departmental schools that were closed because of the unsatisfactory condition of the school buildings, any attempt has been made to repair those buildings or to construct new buildings instead?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) 15.

(*b*) 44.

(*c*) The main reason for closing departmental schools was because the schools were unnecessary in the locality. In the case of schools closed permanently, the accommodation of which had been unsatisfactory, no attempt has been made to repair the buildings. Departmental schools are sometimes temporarily closed, while repairs are undertaken or new buildings are made available.

MR. K. SANKARAN (*Kartikapalli I*): May I know from Government, with reference to the answer to part (*a*), the number of schools that have been permanently closed?

MR. R. M. STATHAM (*Director of Public Instruction*): Does the member want to know the number of schools closed at the time of answering the question?

MR. K. SANKARAN (*Kartikapalli I*): Yes.

MR. R. M. STATHAM (*Director of Public Instruction*): It is given in the answer as 15.

MR. K. SANKARAN (*Kartikapalli I*): May I know the reason why they were closed?

MR. R. M. STATHAM (*Director of Public Instruction*): The answer is given under part (*c*).

PRESIDENT: The answers are already in part (*c*). The member ought to read the answers before putting supplementary questions.

MR. K. SANKARAN (*Kartikapalli I*): Sir, I have read the answers. What I want to know is whether all these 15 schools come under that category which are temporarily closed.

MR. R. M. STATHAM (*Director of Public Instruction*): Schools which have been temporarily closed owing to the need for accommodation and additional buildings have not been shown in the answer. 15 schools show the number of schools which have been permanently closed not for want of accommodation.

MR. K. SANKARAN (*Kartikapalli I*): May I know the number of departmental schools that have been temporarily closed?

MR. R. M. STATHAM (*Director of Public Instruction*): No departmental school has been permanently closed. Last year 8 schools which had to be temporarily closed for a few days have been reopened, after finding out temporary accommodation.

MR. K. SANKARAN (*Kartikapalli I*): May I know how that temporary accommodation was found out?

MR. R. M. STATHAM (*Director of Public Instruction*): In different ways in different places.

PRESIDENT: The member cannot expect to have the details of each place separately for his answer.

MR. K. SANKARAN (*Kartikapalli I*): May I know from Government whether they are put up in rented buildings?

MR. R. M. STATHAM (*Director of Public Instruction*): Some of them are put up in rented buildings and some in buildings which have been lent to schools.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member the longest period for which a school was temporarily closed?

MR. R. M. STATHAM (*Director of Public Instruction*): I can't give the accurate duration. But I think the maximum period is 15 days.

MR. K. PADMANABHAN (*Chirayinkil I*): Is there any special provision in the budget made for improving the conditions of the departmental school buildings?

MR. R. M. STATHAM (*Director of Public Instruction*): There is the ordinary item "for construction and repair of school buildings".

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know whether the Director has appraised the Government of the necessity of having good school buildings?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, he has.

School Hours.

108. * **MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) whether there is any idea or proposal for changing the existing system of school hours; and

(*b*) if the answer to part (*a*) is in the affirmative, what the proposal is?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Yes, in respect of Vernacular Schools.

(*b*) To adjust the working hours in relation to the occupation of the parents and children of each local area.

MR. S. J. NAIR (*Nedumangad*): Is the Government aware that the students of Vernacular Schools of mofussil go to their schools from distant places?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes. The Government is aware

MR. S. J. NAIR (*Nedumangad*): May I know from Government whether this changed school hour would affect their interest?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes. It would affect their interest favourably.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that if the time is changed the children may not be able to attend their schools in time?

MR. R. M. STATHAM (*Director of Public Instruction*): From the answer given to the question it is clear the school hours are changed to meet the needs and requirements of the parents. Therefore classes are sometimes held in the morning, sometimes in the after-noon and sometimes in mid-day, to meet the varying needs of the local people.

MR. S. J. NAIR (*Nedumangad*): Are the Government aware that the majority of the school-going children in Nedumangad attend the Vernacular Schools from a distance of 5 to 8 miles daily?

MR. R. M. STATHAM (*Director of Public Instruction*): It is possible. By changed hours the students avoid going from house to school twice in the day.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the minimum age of school-going children?

MR. R. M. STATHAM (*Director of Public Instruction*): $5\frac{1}{2}$

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any change in school hours on Fridays in any schools of the State?

MR. R. M. STATHAN (*Director of Public Instruction*): No change from the existing practice.

MR. S. J. NAIR (*Nedumangad*): May I know whether any time has been extended on Fridays?

MR. R. M. STATHAM (*Director of Public Instruction*): I suppose the member is aware of the Government order on Mahommedan education.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether by extending the period after the original school hours the children find it very difficult to go home in the evening?

MR. R. M. STATHAM (*Director of Public Instruction*): The Director of Public Instruction recommended to Government to alter the present system and to close at the ordinary time on Friday evenings. The proposal has been accepted by Government.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether there is any objection in exempting the Mahommedan children from attending at a particular period?

MR. R. M. STATHAM (*Director of Public Instruction*): There is a grave objection. They would lose their instruction for one period.

MR. S. J. NAIR (*Nedumangad*): May I know whether there would be any objection if that hour is utilised for drill or for music instruction ?

MR. R. M. STATHAM (*Director of Public Instruction*): For a student who is going for an examination in History, drill would be a bad preparation.

MR. S. J. NAIR (*Nedumangad*): May I know whether there is any objection in the non-Mahommedan students doing drill while the Mahommedan students are attending prayer classes ?

MR. R. M. STATHAM (*Director of Public Instruction*): There is the same objection. Doing drill is as important as learning History.

MR. S. J. NAIR (*Nedumangad*): May I know from the member that a walk from the school to the mosque would not be a sufficient exercise for Mahommedan students ?

PRESIDENT: We will ask the Drill Instructor to appear here next time.

MR. K. PADMANABHAN (*Chirayinkil I*): Is there any proposal to change the hour of attendance in the Science College ?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes

Reduction of School fees.

109 ***MR. J. M. JOSEPH** (*Nominated*): Will the Government be pleased to state:

(*a*) the aggregate amount of loss per year in fee income caused by the recent reduction of fees in (i) the aided schools in the State, (ii) in the aided English Schools only

(*b*) the name of the aided English School which has suffered the heaviest loss and the amount of the same per year;

(*c*) whether representations have been made by the managers of the aided schools about the financial hardship caused in their schools by this measure; and

(*d*) what answer the Government gave to them ?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) (i) Rs. 2,20,624.

(ii) Rs. 2,02,130.

(*b*) S. D. V. English High School, Alleppey—Rs. 4,812 per year.

(*c*) Yes.

(*d*) The whole question of compensation is under consideration and Government hope to be able to provide some form of assistance to schools which have really been seriously affected by the reduction of fees, keeping in view particularly the need for not reducing teachers' salaries.

MR. J. M. JOSEPH (*Nominated*): With regard to the answer to part (*b*), I want to know from the Government whether the sum of Rs. 4,812 is the amount accruing from what is stated, the debit balance, for the year's accounts of that school or whether it is the loss per year.

MR. R. M. STATHAM (*Director of Public Instruction*): Does the Honourable member mean the loss by reduction of fees or the difficulty in running the school?

MR. J. M. JOSEPH (*Nominated*): I mean the aggregate loss per year caused by the reduction of fees.

MR. R. M. STATHAM (*Director of Public Instruction*): The answer is, yes.

MR. J. M. JOSEPH (*Nominated*); With regard to answer to part (*d*) it is said that Government hope to be able to provide some form of assistance to schools which have really been seriously affected by the reduction of fees. May I know whether Government are aware of the fact that in some cases reduction of salaries have been resorted to or effected?

MR. R. M. STATHAM (*Director of Public Instruction*): Government is aware: but that does not affect the answer. If compensation is to be paid the salaries must be restored.

MR. J. M. JOSEPH (*Nominated*): I want to know if any manager of the aided school has been informed about the reduction of the teacher's pay.

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, a number of managers have infoımed the Director about reducing their teacher's pay. Some of them have not informed him. But the Director has other means of finding out.

MR. J. M. JOSEPH (*Nominated*): Has the Director approved of their action?

MR. R. M. STATHAM (*Director of Public Instruction*): In some cases the Director has approved of their action and in other cases he has disapproved.

MR. J. M. JOSEPH (*Nominated*): May I know from the member whether the staff of any school in which reduction of salary was effected made representations to the Director?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, representations were made frequently.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether any compulsion is exercised upon the manager to conduct the grant-in-aid schools by the Government?

MR. R. M. STATHAM (*Director of Public Instruction*): No.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government why the managers conducting grant-in-aid English Schools should be compensated?

MR. R. M. STATHAM (*Director of Public Instruction*): Because Government reduced the fees.

MR. S. J. NAIR (*Nedumangad*): I mean in the case of those managers who have suffered loss seriously by the reduction of fees.

MR. R. M. STATHAM (*Director of Pubic Instruction*): It comes practically to this, that it will be given as grant-in-aid to schools as a result of the defecits incurred by them owing to reduction of fees.

MR. S. J. NAIR (*Nedumangad*): May I know from the Government whether they are at liberty in closing the schools?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, they are at liberty

MR. S. J. NAIR (*Nedumangad*): May I know whether Government would take up the work of conducting the schools and undertaking........

PRESIDENT: If no schools are closed? Hypothetical questions are not allowed.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member whether he has received any information from the management of S. D. V. English High School, Alleppey, regarding the cut in the salary of the teachers?

MR. R. M. STATHAM (*Director of Public Instruction*): I have received information that no cut has been made.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether there are any schools in which there is no deficit in spite of the reduction of fees?

MR. R. M. STATHAM (*Director of Public Instruction*): There are such schools.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether in such schools also compensation will be allowed?

MR. R. M. STATHAM (*Director of Public Instruction*): Certainly, Government will not give compensation if the management is found to have no deficit by the reduction of fees.

Assistant Inspecting officers in the Education Department.

110 ***MR. J. M. JOSEPH** (*Nominated*): Will the Government be pleased to state:

(*a*) the number of Assistant Inspectors and Assistant Inspectresses in the Education Department;

(*b*) how many of them have been appointed newly, since the beginning of this school year (1934-35); and

(*c*) whether any South Travancore Christian was appointed as Assistant Inspector or Inspectress if so, how many; if not, why not?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) 33

(*b*) 12.

(*c*) Yes; 2.

MR. J. M. JOSEPH (*Nominated*): With reference to the answer to part (*b*), have all these people been selected from among the staff of the Education Department?

MR. R. M. STATHAM (*Director of Public Instruction*): No, not quite all of them. There was one selected from outside.

MR. J. M. JOSEPH (*Nominated*): May I know from the member from which office they were selected for the post?

MR. R. STATHAM (*Director of Public Instruction*): You mean those taken from outside or those taken from inside?

MR. J. M. JOSEPH (*Nominated*): I mean those taken from inside?

MR. R. M. STATHAM (*Director of Public Instruction*): From the teaching branch of the department. Persons with experience are chosen.

MR. J. M. JOSEPH (*Nominated*): With reference to the answer to part (c) may I know the names of those persons?

MR. R. M. STATHAM (*Director of Public Instruction*): Miss Joy Jepamony and Miss. Chellamma Samuel.

MR. N. JOHN JOSEPH (*Nominated*): സൌത്ത് ട്രാവൻകൂർ ക്രിസ്ത്യൻ എന്നു മെമ്പർ സംബോധനചെയ്തിരിക്കുന്നതു ഏതു സമുദായത്തിൽ പെട്ടവരെപ്പററിയാണെന്നു പറയാമോ?

MR. R. M. STATHAM (*Director of Public Instruction*): I suppose there are a number of divisions among South Travancore Christians. The term South Travancore Christians is used in the question.

MR. N. JOHN JOSEPH (*Nominated*): ഹിന്ദുക്കളുടെയിടയിൽ സൌത്ത് ട്രാവൻകൂർ ഹിന്ദുക്കൾ എന്നു ഒരുവിഭാഗം ഉള്ളതായി മെമ്പർക്കറിയാമോ?

MR. R. M. STATHAM (*Director of Public Instruction*): I am not aware.

MR. N. JOHN JOSEPH (*Nominated*); സൌത്ത് ട്രാവൻകൂറിൽ ചേരമർ, സാമ്പവർ, നാടാർ, എന്നീ സമുദായക്കാർ ഉണ്ട്. ഇതിൽ ഏതു സമുദായത്തിൽപെട്ടവരെയാണ് ഇൻസ്പെക്ടരായി നിയമിച്ചിട്ടുള്ളതെന്നു പറയാമോ?

MR. R. M. STATHAM (*Director of Public Instruction*): Of these two individuals who have been referred to, one belongs to the L. M. S. Mission Christians and the other I think, is an Anglican Christian.

MR. N. JOHN JOSEPH (*Nominated*): എൽ. എം. എസ്സ്. ക്രിസ്ത്യൻ എന്നും ആംഗ്ലിക്കൻ ക്രിസ്ത്യൻ എന്നും മററും പറയുന്നതു സമുദായാംഗങ്ങളെ ഉദ്ദേശിച്ചല്ല. അവർ ആ സഭയിലെ അംഗങ്ങൾമാത്രമാണ്. ആ സഭയിൽപെട്ട എല്ലാവർക്കും പ്രത്യേകം ഒരു സമുദായപ്പേരുണ്ടെന്നു മെമ്പർക്കറിയാമോ?

MR. R. M. STATHAM (*Director of Public Instruction*): They are shown in the departmental list as Protestant Christians.

MR. N. JOHN JOSEPH (*Nominated*): പ്രൊട്ടസ്റ്റൻറ ക്രിസ്ത്യൻ എന്നു പറയുന്നതു ഒരു സമുദായമല്ലെന്നുള്ളതു് ഗവണ്മെൻറിനു മനസ്സിലായിട്ടുണ്ടോ? അതു കേവലം ഒരു സഭ എന്നല്ലാതെ അതിനെ പ്രൊട്ടസ്റ്റൻറ സമുദായം എന്നുപറയുന്നതു സത്യവിരുദ്ധമാണെന്നു ഗവണ്മെൻറിനു ബോധ്യപ്പെട്ടിട്ടുണ്ടോ?

MR. R. M. STATHAM (*Director of Public Instruction*): I can only say this much. When people apply for Government service they are asked to give their caste, community, religion and so on and these people have shown themselves as Protestant Christians.

MR. N. JOHN JOSEPH (*Nominated*): സൌത്ത്ട്രാവൻകൂർ ക്രിസ്ത്യൻ എന്നു പൊതുപ്പേർ പറയുന്നതു വിദ്യാഭ്യാസത്തിൽ പിന്നണിയിൽ നില്ക്കുന്ന ചേരമർ, സാമ്പവർ മുതലായവരുടെ ഉദ്യോഗം തട്ടിയെടുക്കുന്നതിനുള്ള ഒരു തന്ത്രമാണെന്നും അവരുടെയിടയിൽ ഐക്യതയില്ലെന്നും ഗവൺമെന്റിനു അറിയാമോ?

PRESIDENT: You ought to know that the member does not know Malayalam. It is entirely a secret to him. The President is entirely unaware of Malayalam. And the official member is giving replies to the questions which he is not able to understand;

MR. N. JOHN JOSEPH (*Nominated*): സർ, ഞാൻ പറയുന്നതു വളരെ പ്രധാനപ്പെട്ട ഒരു സംഗതിയെക്കുറിച്ചാണ്. അതുകൊണ്ടു അതിനുള്ള സമാധാനം ചീഫ്സിക്രിട്ടറി പറയുമെന്നു വിശ്വസിക്കുന്നു.

MR. S. J. NAIR (*Nedumangad*): Sir, a point of order. Aın I permitted to translate the questions which are being put to the Director?

PRESIDENT: Thank you, Mr. Nair; you always come to my rescue, I know (*Loud applause* and *Laughter*).

MR. R. M. STATHAM (*Director of Public Instruction*): It is perfectly true that applicants do very often specify themselves as depressed class Christians, Nadar Christians and so on. But for these posts we had not qualified persons from those communities.

MR. N. JOHN JOSEPH (*Nominated*): ചേരമർ, സാമ്പവർ, മുതലായവരുടെയിടയിൽ ഇൻസ്പെക്ടരായി നിയമിക്കുന്നതിനു തക്ക പരീക്ഷാ യോഗ്യതയുള്ളവർ ഇല്ലെന്നുള്ളതു മെമ്പർക്കറിയാമോ?

MR. S. J. NAIR (*Nedumangad*): May I know whether Govern- are aware............ (*Laughter*).

MR. JOHN JOSEPH (*Nominated*); എനിക്കു ഇനിയും ചോദ്യമുണ്ട്.

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*); Probably he thinks that he is going to put his own questions.

MR. N. JOHN JOSEPH (*Nominated*): നാടാർ ക്രിസ്ത്യാനി, സിറിയൻ ക്രിസ്ത്യാനി, വെള്ളാളക്രിസ്ത്യാനി എന്നിങ്ങനെ സമുദായത്തെ വിഭജനംചെയ്തു് അധഃകൃത ക്രിസ്ത്യാനികൾക്കു ന്യായമായികിട്ടേണ്ട അവകാശങ്ങളെ ക്രിസ്ത്യാനികൾ മേലാലെങ്കിലും കൈവശം ആക്കാതിരിക്കുവാൻ വേണ്ട വ്യവസ്ഥകൾ ചെയ്യുന്നതിനു ഗവൺമെന്റിനു ധൈര്യമുണ്ടാകുമോ?

ഇതിലേക്കുള്ള സമാധാനമെങ്കിലും ചീഫ്സിക്രട്ടറി പറയുമെന്നു വിശ്വസിക്കുന്നു.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to a point of order. The question here refers to the community of South Travancore Christians. The question asked by Mr. John Joseph refers to a people who are not South Travancore Christians at all. They belong to a community..........

(At this time it was 12 O'clock and the gun fired.)

PRESIDENT: Yes, the gun will set right this point of order (*Laughter*).

LEGISLATIVE BUSINESS.

THE TRAVANCORE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

PRESIDENT: The next item in the Agenda is the Hindu Law of Inheritance (Amendment) Bill.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I beg to submit the report of the Select Committee on the Travancore Hindu Law of Inheritance (Amendment) Bill. I beg to move that the Bill as amended be taken into consideration.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): I second it.

PRESIDENT: Moved and seconded that the report of the Select Committee on the Travancore Hindu Law of Inheritance (Amendment) Bill be taken into consideration.

The motion was put to the vote of the House and carried.

Clauses 1, 2 and 3.

The question that clauses 1, 2 and 3 do form part of the Bill was put to the vote of the House and carried.

Preamble.

The preamble of the Bill was then accepted.

TITLE.

The Secretary read the title of the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move an amendment in clause 1, (sub-clause 1) that the figure 1110 may be substituted for the figure 11... . ...

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I second it.

PRESIDENT: Before putting the third reading of the Bill to the vote of the House, I have to put the amendment to clause 1, (sub-clause 1) that for the figure 11 ...the figure 1110 be substituted.

The amendment was put to the vote of the House and carried.

The Hindu Law of Inheritance (Amendment) Bill as amended was passed into law.

THE TRAVANCORE PROVIDENT INSURANCE SOCIETIES REGULATION (AMENDMENT) BILL.

PRESIDENT: The next item in the Agenda is the introduction of the Travancore Provident Insurance Societies Regulation (Amendment) Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I beg to introduce the Travancore Provident Insurance Societies Regulation (Amendment) Bill.

Sir, my object in introducing this Amendment Bill is given in the Bill itself. Hence I shall state only a few words just for the purpose of further elucidation. At the time the Provident Insurance Regulation was passed by this House, this House had, in contemplation, the urgency of bringing into force a legislation in view of the abnormal and increasing number of societies. This House desired that a strong check must be put on the societies that were coming into existence and that an efficient system of supervision must be made. With that object in view, the learned Law Member drafted a Bill and presented it to the House.

Under the provisions of that Bill, societies had only to register themselves and be controlled by an officer called the Registrar of Provident Insurance Societies. The Select Committee introduced an additional clause to compel the registering Society to make a deposit of Rs. 5,000 at the time of registration and further annual deposits of 15 per cent of this annual income until it reached a maximum of Rs. 50,000. That was not a provision contained in the analagous legislation of British India. At that time such a provision was deemed necessary in the interest of the insuring public. After the Regulation came into force, we find that the provision requiring, these Provident Societies to make the annual deposit of 15 per cent of their annual income renders the working of these institutions practically impossible. As I understand, the expense ratio of these Societies always works out to more than 35 per cent of their gross income. It is so found by the Registrars in charge of Provident Insurance Societies. It is so mentioned in many Insurance Journals. The Committee appointed in the United Kingdom for looking into the expense ratio of Provident Insurance Societies, report that the expense ratio of these institutions is always more than the expense ratio of the major Insurance Companies. Now under the rules of the Societies that have already been registered in the State, it is found that 66⅔ per cent of the total collections made by them has to be paid out to the policy-holders. The balance is only 33⅓. It is from this 33⅓ that 15 per cent under the Regulation has to be deposited with the Account Officer. It is found by practical experience that it is not possible to run these societies if such a percentage of deposit is demanded. It is not possible to meet the running expenses of the Insurance Societies with 18 per cent of their income. The inevitable result of this Bill will be the winding up of the Societies, as no one will be able or willing to meet the demand from his own pocket Therefore Sir, by sheer impossibility brought about by this provision, the number of companies which was 400 and odd before the Regulation

came into force has gone down to about ten. Now we have come to this small figure 10, I am afraid, even less. By the close of the first financial year, they also will find it impossible to continue the societies. The result is that the persons who have taken policies in these Societies will be put to very great loss. Experience therefore, tells us that this provision must be altered and I therefore request the House to consider the matter in a sympathetic way.

MR. A. THANU PILLAI (*Trivandrum-Rural*): In the case of these 10 companies since the passing of this Regulation, has the number of policy-holders increased or decreased?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Decreased.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Now under the rules of this Regulation, is there a provision that in any event the whole of the amount subscribed together with an additional amount may be returned to the policy-holder?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*); There is such a provision, but such terms are to be fulfilled only if payment is made regularly for 10 or 12 years. If we will not allow the company to live for more than one year, how is it possible to earn the benefit of the provision? If default is made for any one instalment they forfeit the whole amount paid till then. If the Societies are asked to make the deposit from their own pockets or meet the expenses from their own pockets, they automatically cease to exist and all the policy-holders will have to be satisfied with whatever deposit there has been with the Account Officer at the time of registration.

It is only after a policy-holder has paid regularly and systematically for some years together that he will be entitled to a guaranteed payment of the amount subscribed and something more. No defaulting policy-holder will be entitled to any guaranteed payment. And, even in the case of the policy-holders who have been paying regularly and systematically, they can expect the guaranteed payment only after the policy matures.

MR. K. R. ELENKATH (*Kalkulam I*): May I ask whether the considerable diminution of these companies since the Regulation was passed is not beneficial to the people?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): It is purely a matter of opinion. Out of the 400 and odd companies, we now have, after the passing of the Regulation, only about 10 companies or even less. Certainly, it is to the benefit of the people that inefficient institutions have disappeared.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*). In regard to the deposit of Rs. 50,000, is it not an option given to the companies when they are allowed to deposit the amount in instalments, to be accumulated, instead of in a lump?

MR. PUTTUHPALLI S. KRISHNA PILLAI (*Quilon II*): I shall read the provision in the Regulation.

"4. (1) Every Provident Insurance Society shall, if established before the commencement of this Regulation, within six months from

[Puthupalli S. Krishna Pillai.]

such commencement, or before its registration, deposit and keep deposited with the Chief Account Officer for and on behalf of Our Government, the sum of five thousand rupees, and until the Society keeps deposited the sum of fifty thousand rupees, shall annually deposit and keep deposited a sum equal to fifteen per cent. of the gross income derived from its business as shown in the revenue account for the last financial year.

"Provided that a Society may, at any time, deposit the sum of fifty thousand rupees or make up its deposit to that value."

We are now attempting the smallest necessary amendment, the least possible change. The provision in the Regulation enjoins that 15 per cent. of the annual income shall be deposited with the Chief Account Officer till it accumulates to a sum of Rs. 50,000. The percentage to be deposited has been fixed at a minimum of 15 per cent. of the annual income.

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*): Is it not open to these companies to deposit more than 15 per cent. so that they can reach the sum of Rs. 50,000 quicker and then cease the annual deposit?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I too thought of such a contingency. It is not possible for small concerns. In Travancore, it may be possible to reduce the working expenses and to save more. That is why I suggested, although I find that these companies require above 33 or 35 per cent. of their annual income for their working expenses, that they should cut short their expenses and make a saving of not less than 5 per cent. for the annual deposit, thereby limiting their expenses to above 25 per cent. That is why I have provided in my Bill for a minium deposit of 5 per cent., instead of avoiding the deposit altogether.

MR. A. THANU PILLAI (*Trivandrum—Rural*): I am sorry, Sir, I do not find my way to support the introduction of this Bill. The only ground that Mr. Krishna Pillai has been able to place before us in support of this Bill is that these companies cannot work at all unless their annual deposit is brought down from the present minimum of 15 per cent. to 5 per cent. The House is not now in possession of sufficient data in regard to that matter: we have to accept Mr. Krishna Pillai's statement. But, as for that, it may be suggested that the Select Committee can gather statistics or evidence on the matter and fix the suitable percentage for annual deposit. I have got a much stronger objection.

In regard to the working of these companies, Sir, the main question is what percentage of the income should be deposited, so that the policy-holders may have a sufficient guarantee for the return at least of the money that they have actually paid, and not the question whether the few companies that are now working are able, with their present working expenses, to make the annual deposit of 15 per cent or not. I

need not remind the members of this House that this provident insurance system is highly unsound, unscientific and unworkable. I would go to the length of maintaining that if any company is not able to deposit the minium of 15 per cent. of its annual income, it is better, in the interest of the public, that such company is wound up. The main question that I want the House to consider is what percentage is required in order that the policy-holders may have a reasonable guarantee of getting back at least the money that they have actually paid. I asked my friend Mr. Krishna Pillai whether, since the passing of the Regulation, the number of policies has increased or diminished: and he told me that the number was going down. What does that show? The system is vicious, unscientific, unworkable and objectionable. Our main look-out should be to see that at least the amount actually subscribed must be guaranteed to the policy-holders.

Further, as I have already said, without any data before us, how are we to accept the principle of the Bill and to allow it to go before a Select Committee? In the case of these Provident Insurance Companies, Sir, most of the policy-holders are not young people whom we could expect to go on subscribing for a number of years. Most of them are old, 60, 65, 70 or 75, always expecting death. I think that the reason for the number of policy-holders dwindling down, as stated by Mr. Krishna Pillai, is mainly the death of these old policy-holders. In most of these companies there is no age restriction whatsoever. The main difficulty is with regard to the younger policy-holders who go on contributing for years together. Where is the guarantee for them that they will get back at least the money that they have actually paid? Certainly, there must be ample security for that. The company must have sufficient funds to make the guaranteed payment.

In the circumstances, I find it very difficult, with the data now before me, to accept the principle of the Bill. I oppose it.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, I also oppose the introduction of this Bill. Mr. Krishna Pillai evidently wants to recognise the freedom of contract between the insurer and the insured. That is quite proper when it is not inconsistent with public interests. But experience leads us to a different conclusion so far as public interests in this matter are concerned.

We have been legislating, during the last few years, to remove the grievances of large classes of people even at the risk of sacrificing the interests of minorities. Take, for example, the Jenmi and Kudiyan Regulation. We made sacrifices here and there of the rights of the few Jenmies in order to safeguard the interests of the many Kudiyans. In this connection, the figure given by Mr. Krishna Pillai is very instructive. Out of the 400 odd Societies which were functioning before the present Regulation was passed, we now have only 10 Societies. That is a commentary which ought to make us wise.

Sir, these Provident Societies, most of them, are improvident Societies. In most cases, a few people, having nothing else to do under the

[Mr. T. K. Velu Pillai.]

sun, organise themselves into a provident Society. The ten Societies referred to by Mr. Krishna Pillai may not be like those that I am now describing. I am speaking of the general class of these Provident Insurance Societies which collected money by giving all manner of fascinating hopes. And, in several cases, they hit upon an ingenious devise in distributing the money due to the policy-holders. (In Travancore, Sir, the people are sometimes very ingenious.) These Societies do not distribute money as is done in other civilised countries and in ordinary insurance companies. They do not pay off in a silent manner. Every time a payment is to be made a huge public meeting is organised under the presidency of some well-known person. Personally, Sir, I too have been invited on several occasions to preside over such meetings: but I have always refused; refused because I thought I should thereby be deceiving the world. In these days of democracy, Sir, advertisement is not difficult: and, as I said, every time money is due to a policy-holder, the Society, by tom-tom gathers a huge public meeting and makes much of it.

It was stated by Mr. Krishna Pillai, Sir, that the principle of these Societies is "collect and divide." I shall use the very same expression, Sir. Money is collected from a large number of people and divided among a few. Sir, it is a very unfortunate state of things. The Sunflake Company or the Himalyan Wisdom Company, some such name, I do not want to mention actual names, and therefore I am trying to coin names is sure to appeal to the people and to attract their attention. The name Sesquetanna attracted a large number of poets and other people. They proposed to go there merely because they were attracted by the name, and not because the place was healthy or wealthy or was an *eldorado*.

Sir, in this state there were companies growing and growing to the utter detriment of the economic condition of the country. I am glad to hear that the mover himself has admitted that most of them have ceased to function. But there are a few remaining. I accept the figure given by my friend. I am relying on the information just given by Mr. Krishna Pillai. There are ten companies out of 400. What actuarial science do these people know? Even in motor driving only a man who has got a license is allowed to drive. But people without any knowledge of banking or currency and people without any position in life are sometimes allowed to start these companies in Travancore, all because the Government in the plenitude of its noble-mindedness allowed these companies to be formed and recognised the freedom of contract. Now the meaning of the term 'freedom of contract' is very interesting. It is sometimes a contract between the strong and the weak. These people organise themselves and try various shifts, put their heads together and form a scheme; and the ignorant people flock to their companies and get into their meshes. The Travancore Government was never more wise in making laws than when they initiated the passing of the law which my friend now wants to

amend. Now I would ask the House to consider what is the prospect of these companies getting on? There are Insurance Companies in various parts of the world. Insurance is not a local business. It is an international business. It is open to us to insure our lives in those companies as it is open to those people in those countries where they are incorporated. But when the Government allows anybody to carry on business they should see to it that only such men are allowed as are able to understand things, those on whom the public and the Government can rely upon. If they are going to change the existing rules the old evils will re-appear. The flood-gates will be reopened. I certainly appreciate the mover's desire to help this kind of insurance movement. But unfortunately in this country there have been so many mushrooms which pretend to be oak trees or I may say teak trees. Unfortunately that has been our experience. Therefore, taking into account the history of similar Societies and also considering the very ingenious attempts made by certain people to over each others and in consideration of the failures I am against the amendments of these rules. We are legislating for a general class. I am against the Provident Companies becoming useless and as mishevious as they were before the law was passed. If the money to be deposited is reduced these companies will fall to the same condition as they were in before.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to support the principle of the Amendment Bill. There is no quarrel between the mover of the Bill and the learned members who opposed it that those companies whose economic soundness has been questioned by competent authorities should be allowed to continue without any restriction. That is not the principle that is embodied in this Amendment Bill. The principle that there must be security has been accepted when we passed the former Bill. The only principle so far as I can understand, in this Bill at this stage, is that when we find that a few of the companies are making great efforts to work up and fulfil the contractual obligations entered into between the policy—holders and the company should we throttle and put an end to them or will we give them an opportunity to struggle on and fulfil their obligations? That is the only principle in this Amendment Bill. It is not for the *abolition* of the security amount. We want only to reduce the amount of the contribution towards security. Many members may not be satisfied with 5 per cent. That may be raised at the stage of the Select Committee. The only question that this House has to consider is whether it is right, without another word, without another thought, having allowed these companies to come up so far, to say that these companies shall not exist and do away with Insurance Companies altogether. Are we going to say that or are we going to consider whether we should give facilities for working at least some of them that have stood the test of time and survived.

One other point I wish the House to take into consideration is that in British India there does not seem to have a corresponding provision as we have in section 4 here. If we throttle these companies

[Mr. K. Kunjukrishna Pillai.]

I do not think there will be any restriction of the companies beyond the borders of Travancore coming in and exploiting and, as some members said, plundering our people. So it is that I think there is something appreciable for consideration in the principle of the Bill. If it cannot be 5 per cent let it be 7 or 8 per cent. The only question is whether we can give at least some relief to these 10 companies that survive the onslaught of the present legislation and whether we can give them some more opportunity. Are we going to be so adament and inflexible as not to give them a chance? That is the only principle that has to be considered in this Bill. Taking things as they stand I may say that we are not going to be rid of these companies from British India. There is a lot of competition and exploitation from British India. So what you have to consider is whether we would be wise in giving these companies a chance. If the 5 per cent cannot be agreed upon, that may be fixed at 7½ per cent. The only principle is that there should be some leniency with regard to the contribution that has been fixed towards security. I do not think there is any quarrel between the mover and those who opposed the Bill as to the condemnation of the economic principles underlying collecting and dividing companies. With these words I support the principle of the Amend ment Bill.

MR. S. CHATTANATHA KARAYALAR (*Shencotta*): Sir, I oppose the principle of the Bill. The object of the existing Regulation was primarily to safeguard the interests of the insuring public. The one important provision which is designed to secure this object is the clause relating to deposit of security. Sir, the Select Committee which sat over the original Bill very carefully considered the amount of deposit and fixed this amount at Rs. 50,000, and the annual contribution at 15 per cent of the gross annual revenue. Mr. Krishna Pillai stated that the deposit of Rs. 50,000 should be made up by annual contribution of 15 percent of the annual revenue. It is only an option given to these companies to deposit this amount in instalments and not as Mr. Krishna Pillai pointed out that Rs. 50,000 should come out of the profits they make. They have primarily to deposit the entire amount as security for the moneys received from the policy-holders. So the primary object of the original Bill was to safeguard the interests of the policy-holders and not of the companies. As a matter of fact, a close study of the Regulation would show that the provisions are directed against the companies and not designed to encourage them. In British India also when a similar enactment was passed the policy of Government was to discourage the formation of such companies. These companies known ordinarily as free Insurance Companies have been condemned by eminent actuaries as unsound, unscientific and unworkable, based as they are on what is known as the dividing principle. The Select Committee which sat over the original Bill very carefully studied the various defects and the reports of eminent actuaries and accepting their views found it absolutely

essential to incorporate the provision relating to the deposit. The significance of this provision in the Regulation is that the deposit required of these companies should be commensurate with the interests of the insuring public.

Sir, another point urged by the mover was that the expense ratio of these companies was very high-something like 34 per cent of the revenue and to enable these companies to meet the expenses they ought to be given facilities to deposit the amount at a smaller percentage. On the other hand, it is on the very ground that the expense ratio of these companies is very high that eminent actuaries condemn them and I too would condemn them. The high expense ratio of these Societies cannot be used as an argument to reduce the percentage of annual revenue required under the Regulation to be deposited. Another point which Mr. Krishna Pillai raised was that since the enactment of the existing Regulation several companies had gone out of existence and that only 10 companies have survived. If several companies have perished because of their inability to comply with the provision relating to deposit of security; they deserved to go out of existence. The interests of the policy-holders are paramount.

Sir, Mr. Kottur Kunjukrishna Pillai in supporting the Bill argued that since there is no provision for deposit of security in the corresponding British Indian enactment, British Indian Companies might exploit Travancore to the detriment of Travancore Companies. Sir, his apprehensions are absolutely groundless. There is a section in the existing Regulation which prohibits the operation of companies which are not registered under the Regulation and enacts that no Society which is not registered under the Regulation shall receive any premium in Travancore. This provision is a sufficient safeguard against the exploitation which Mr. Kunjukrishna Pillai apprehends.

Sir, the principle embodied in the Bill is not acceptable, The provisions in the Regulation have been passed after careful consideration by the Legislature and by a Select Committee appointed by the Legislature. No grounds have been made out to alter the existing provisions. I oppose the Amendment Bill moved by Mr. Krishna Pillai.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Inustry, South*): Sir, I beg to support the Bill. The most serious charge levelled against the principle of the Bill is that we are not taking to new ways of business and of commercial activities, of insurance schemes and so forth. After years of isolation in darkeness we have only recently begun to develop banking, insurance, and other allied things. After years of travail our banking has won a good reputation outside Travancore. Of course it is due to the activities of the Government also that a good many useless Insurance Companies have been weeded out of existance. What we are concerned with now is to see whether the existing companies should be developed or not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know from the member whether many of the oompanies came to be weeded out because of the existence of the Regulation?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): I think so. We have now reached the minimum of weeding out and we should not see that all the companies are not weeded out. My friend Mr, Krishna Pillai suggested that 390 out of the four hundred companies have ceased to exist and only about 10 companies are now working. Then it is in the interest of everybody in the State including the Government to see that these companies which are existing are encouraged. What my friend Mr. Krishna Pillai suggested is that the deposit amount is so great that it is not possible even for the existing companies to continue.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If this amendment is passed, will the 400 companies come back to life?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): But it will be much better to see that at least the ten companies existing do survive. Any way we have got to gain experience and, if no company is existing, how are we going to gain experience in that direction?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Have we not had enough experience?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Some more experience will not be unwelcome.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Regulation as it is will stand in the way of all companies which have not deposited the minimum amount?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): This is a new line of action alogether and, as pointed out by my Honourable friend, this is somewhat peculiar to Travancore just as in other directions such as Banking for instance, we have been chalking out new lines and in insurance also it is a new line of activity and as matters stand there is the fear of weeding out the existing 10 companies.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Is it not a legislative immorality to show favour to the 10 companies after the 390 companies have been weeded out on the application of the Regulation?

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): The other 390 companies did not survive the ordeal; these 10 companies have survived and they are standing and therefore we have to protect these companies.

The principle of the Bill is such that I would, as a Travancorean, because the country is dificient in those activities, support it. In all such activities we are lagging behind as Mr. Kunjukrishna Pillai pointed out and the others from outside are teaching us. Then why not we ourselves try? Why not we gain some experience even if a little harm occurs, Therefore I support the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I am sorry, Sir, to oppose the principle underlying this Bill. Sir, students of English History might have heard about the South Sea Bubble. A few years ago in Travancore when the economic depression was at its beginning stage, that is in or about the year 1105, a new speculative business was brought in throughout the length and breadth of our country and one fine morning we found almost all the villages in Travancore having their own Provident Insurance Societies. There was absolutely no restriction in the formation and working of these companies. They were all fradulent concerns. As the Honourable member for Trivandrum taluk pointed out, the gentlemen who were in charge of these concerns had no scientific training, no actuarial experience: they were not trained Accountants ; in fact the only experience or cleverness they had was in relieving the poor gullible members of the public of a few spare coins they had. That was the only qualification of many of the persons who started those concerns.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : I said none of these facts.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : He is only doing it a little better.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I referred to the Honourable member of the city of Trivandrum and not of the taluk.

Well, Sir, another Honourable member said that this is a new feature so far as Travancore is concerned. That is not correct, Sir. A similar petilence happened in Gujarat and as in Travancore there also it was found to be a public danger.

We all know, Sir, that the Indian National Congress, realising the danger that the public of Gujarat were subjected to on account of the formation of such Provident Insurance Societies which were working on the same deviding plan as it were, appointed a Committee to go into the whole question and submit a report. Eminent men who had experience in Accountancy, in Banking, and cognate subjects went into the whole question, collected evidence and submitted a report according to which it was found that the principle underlying these Societies was entirely unsound. They were not formed nor were they working on sound business principles. So, in one or two years, all those Societies came to naught and the poor people lost all the money they had subscribed with a view to get a big fortune. That was what happened in Gujarat. Similarly in Travancore in the years 1105 and 1107 a number of Societies was formed and the Government realising the danger the public were subjected to, framed a law and that is this Provident Insurance Societies Regulation.

Well, Sir, the object of the Government in passing this law was to place some restriction upon the unlimited freedom in the formation of companies and in the working of companies. One safeguard was the provision to deposit security under section 47 of the Regulation. That is, the companies that were formed before the passing of the Regulation as well as the companies that would be formed after the

passing of the Regulation were required to make certain deposit out of their gross income with the Government so that there may be guarantee as to their safe working and thereby the interest of the public could also be safeguarded. It was with that object that the provision was made and from the arguments advanced by the Honourable member who has introduced the Bill as well as from the arguments of the other gentlemen who were supporting the Bill, I am not in a position to find that these circumstances have now changed so that we should take away the restrictions or lessen the rigours placed by the Regulation on such Societies. Even now I know that many people lost their few spare coins that they had in these days of economic depression. Of course, the people who subscribed had no record what soever they were not furnished with any record and whatever money they paid they lost.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Were not the spare coins contributed at considerable sacrifice?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Certainly, Sir, at considerable sacrifice. It was those precious coins that were paid to those companies and the few interested gentlemen who were the promoters of those concerns divided the spoils amongst themselves. Well, Sir, the whole thing is a spoil system.

MR. P. CHIDAMBARAM PILLAI (*Commerce and Industry, South*): Can the member substantiate his statement?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*); I am myself a sufferer, Sir (*Laughter*) I lost, I did not get anything in return to what I paid.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Did the member subscribe to any of the surviving companies or to any of the companies that have died out?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Many persons subscribed to these concerns and they themselves did not survive.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know in that case, which life was insured? Is it his own or the life of somebody else (*Laughter*)?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I do not think I should answer that question.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Were not the lives of old and decrepit persons insured in these companies?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): The insured were old and decrepit persons with one foot in the grave. There was no medical inspection, no guarantee whatsoever for the safe investment of the companies moneys. There was no safety and that is why the Government came forward to safeguard the interests of the general public and they have passed the Regulation. Now my friend wants to take away that safeguard. Well, Sir, in the interests of the public of

Travancore I would earnestly urge on the attention of the House to see that the safeguards which the Government have provided under the existing Regulation must be there and no such concession should be given to the small number of 10 companies which the member says are now working. So, Sir, I oppose the principle.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : With the safeguards as provided in the present Regulation, is it possible for any company to run, according to the members opinion?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : All sound companies with the safeguards similar to the one we have put in the Regulation must run. Sir, the 10 companies, even according to the Honourable member who introduced the Bill, are actually working. So, where is the necessity for taking away the provisions?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Does the member know whether any one of the companies has made 50 per cent. of the deposit required?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I took it that since the Honourable member said that they were working, they had made the deposit. If they have not deposited they will have to share the same fate as the 390 companies.

MR. T. K. VELU PILLAI(*Trivandrum-Urban*) : The word "smaller" is used by the member, does he mean the amount of deposit?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I mean the amount, Sir.

The House adjourned for lunch at 1 P. M. and met again at 2 P. M. with the Deputy President in the Chair.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I support the principle underlying the Bill. The object of the Bill is not to do away with the substance contained in section 4 of the Regulation. It is simply to afford facility to the major portion of the companies to be run on proper lines. It was suggested that the object of the Regulation was to extirpate all the companies. I do not think that is the object with which the authors of the Regulation have framed it. If it has been so, an amendment to the Penal Code would have been quite sufficient to the effect that such companies are unlawful and that if anybody starts such companies he will be punished with fine or imprisonment. If such an amendment was proposed and accepted the present Amendment Bill will be quite out of place. Now, as it stands the Regulation is quite unworkable. There is no need to keep in the Statute Book a Regulation which is not workable.

It has been suggested that the companies were started by the share-holders to do public service—

MR. R. NILAKANTA PILLAI (*Financial Secretary to Government*) : Is there a keen demand for the people to join these Provident Insurance Societies at present?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): From the little experience I have, the demand has not subsided.

If matters continue like this, the companies that are in existence will come to a fatal end.

The consequence will be that not only the share-holders will suffer but the policy-holders also suffer much. There are something like 10 surviving companies and there may be at least 20,000 policy-holders. These policy-holders are quite likely to lose what they have subscribed. So, in my humble opinion, the amendment that is proposed has to be admitted and referred to a Select Committee.

MR. K. R. ELENKATH (*Kalkulam I*): Is the suggestion of the member intended to rescue those who are surviving?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Yes.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): I am sorry I too have to oppose the amendment before the House. Any legislative measure passed by this House, should be with a view to do good to the public at large. Of late, Insurance Societies have come into existence like mushrooms, so much so, that it is a matter of daily occurrence and we were able to notice very many companies with treamendous titles and consipicuous boards throughout the State. The result was that Government was compelled to interfere and thus the present Regulation came to be passed. In this Regulation adequate provision is made for safe-guarding the proper working of these Societies. I do not see any reason why the Legislature should now frame necessary laws for protecting 10 companies mentioned in the amending Bill. It has been pointed out by various members that it has been a veritable nuisance *viz.*, the institution of such bubble Insurance Companies. For the proper working of Societies, certain rules and regulations were provided by the existing Regulation and only if those conditions are satisfied, the Societies will work properly. As such provisions are already provided for in the present Regulation, there is no necessity for an amendment to that Regulation. If the majority of the Societies have been weeded out of existence, it must be because they were not pursuing the objects with which they were started and they were not working on proper and efficient lines. Simply because those Socities disappeared, it does not mean that the remaining Societies must be helped by such a Legislative measure. It should be the last object of any legislature to countenance such unwholesome institutions, which are calculated, I must say, to deceive and defraud the public. With these few words, I oppose the amendment.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I am also sorry that I have to oppose the principle of the Bill. We have got at present a certain Regulation and it is now sought to amend that Regulation. Some good cause must be shown before it is amended. Cause, no doubt has been attempted to be shown by the mover as well as by some of the speakers, and these causes are three, so far as I have been able to make out.

In the first plce, it is said that the number of Societies affected by the existing Regulation have gone down considerably to such an extent as to necessitate legislative interference to revive them. Secondly, there is the possibility of competition from outside if we keep to the lines of the Regulation now in existence. Thirdly, this Regulation is prohibitive of enterprice generally and as such should be got rid of. These are the main grounds that were advanced in support of the measure. Had the grounds been valid there might have been something to be said in favour of the necessity of the amendment. I fear they are not valid. It is admitted by all speakers, except Mr. Chidambaram Pillai, that sufficient security is needed to secure the money paid by policy-holders. Now, in a public enterprise like the one in question, where the public are invited to contribute money, it is quite necessary and essential that Government should look to the safety of the persons who hold the policy in it. That principle has been recognised by the Legislature in Travancore under various Regulations. I may cite for example the Chitties Regulation before the enactment of which, the foreman used to conduct chitties, purely as a matter of contract between party and party. But the Legislature had to step in and to make it obligatory on foremen that they should furnish security to the extent of their liability before they were allowed to conduct the chitties. Lotteries have been prohibited by Government, on the apprehension that the public might suffer under such schemes. In other directions also securities have been demanded where public interests are at stake. So, very rightly it has been conceded by those interested in the present measure that security must be provided. Well, what ought to be the extent of security is the next question. It has not been made out that the extent of security now demanded by the present Regulation is exhorbitant. Before a case is made out, the Bill should not go to the Select Committee. The Select Committee should not be asked to embark on an investigation with a view whether a basis may be found for a Bill. All that is said is that in view of the extent of the security now demanded it is difficult for the companies to function. That is not the criterion at all. The issue arises between two demands, the interests of the companies on the one hand and the interests of the public on the other. The extent of the security cannot be taken to be over-much, simply because the companies consider the Regulation to be irksome. In the interests of the public it may be quite wholesome. That is the point. Therefore the fact that some of the companies find it difficult to carry on their work is not an argument in itself to overlook the necessity of securities and the extent of securities that may be demanded.

As for the likelihood of foreign competition leading to the escape of money from Travancore to outside, before that argument can succeed it should be pressed that legislation in Travancore must be brought into line with legislation elsewhere. It is said there is nothing parallel to our provisions in regard to securities in the British Indian enactment. Therefore to withstand competition from British India

[Mr. P. K. Narayana Pillai.]

what we have to do is to do away with security in its entirety. Otherwise, security, no matter how slight, demanded here would afford scope for a foreigner to compete with us. Mr. Karayalar pointed out the impossibility of competition in this respect. But I add that if security is not provided for there, unless security is absolutely removed here also there will be scope for competition from outside. But that is not what is demanded now. Security is insisted on. Only its extent comes into question. Fear of foreign speculation does not therefore appear to be a valid argument.

The third ground is the question of enterprise. Of course, this sort of flotation of companies is one form of monetary enterprise. In such enterprises the safety of the public is absolutely necessary. We have heard a good deal about enterprising adventurers in western countries, such as Stavisky, Bottomely and others. Probably in our country we have not got people of such conspicuous ability; yet there exist their types on a diminutive scale. A combination of such people may be able to work wonders, but the public should not be exposed to their subtle snares. Then there is the argument advanced by Mr. Ramakrishna Panickar that there are some people who have taken policies in such companies and in order to enable those few to get back what they have bargained for, easy terms should be allowed to continue.

What we are asked to do is to keep open the doors for some people to walk out. Unfortunately, it is forgotten that others would walk in, in the meanwhile. If we are going to remove the safeguard for the sake of the persons already within the net, others would get in, and the safeguards would ever remain suspended. That too is not therefore an argument. On these grounds, I am sorry to say that the principle does not appeal to me and I find no valid reason made out why the Regulation as it exists should be amended at all.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I must admit that I am in agreement with much of what the Honourable members said in opposition to the Bill. Still, my view is that the matter may be allowed to be examined by a Committee. It was stated by Mr. Krishna Pillai, the Honourable mover, that this provision for security was in the Bill as introduced in the former Legislative Council. That is not correct. Not that I am not taking any responsibility for the existence of this provision in the Regulation as passed, but the fact is that this provision was not in the Bill as introduced. After introduction of this, the Bill was referred to a Select Committee which contained many eminent members, amongst whom Mr. Krishna Pillai also was one. Amongst them was also a very keen and careful business man, Mr. Karunakaran, and also certain members of this chamber, like Mr. Damodaran Asan. The Committee was presided over by Mr. Venkitarama Aiyar who had quite a long experience with the Joint Stock Companies in Travancore. They examined the

question very carefully and considered the report of the Vigilance Committee appointed by the Indian National Congress, and they came to the conclusion that a provision like this was absolutely necessary. From that report I shall read a few lines from paragraph 20 of it."

"There has been a considerable rush in the incorporation of companies proposing to do insurance work during the last two years. Before the beginning of 1107 there were only 13 companies of this type, while the number registered during 1107 (247) has gone up to 468 on 25 3-1108. Except a few of these, all have been of the dividing type. Insitutions working on this basis have been of the dividing type. Institutions working on this basis have been condemned by experts as unscientific, unsound and unworkable. Though all the actuaries in Britith India are agreed in this view regarding such schemes, Mr. Marathey of Poona, has made certain constructive suggestions as to how the working of such societies could be improved, himself feeling diffident about the beneficial results of such working, but suggesting innovations with a view to save the several thousands of poor people who had joined such societies. In view of the large mass of the public involved in the schemes already started here, we have adopted some of his suggestions, and provided for safeguards which are in our opinion, necessary to ensure a satisfactory working of the societies working on this line. A copy (Appendix B) of the Report of the Provident Society Vigilance Committee appointed in Bombay for enquiring into the working of societies of this type there, and extracts (Appendix C) from the letters written on the subject of Messrs. H. L. Humphrey and G. S. Marathey, M. A., A. I. A. published in some of the leading Insurance Journals in British India as well as the remarks (Appendix D) by the Actuary to the Government of India in the Indian Insurance Year Book of 1931, are appended hereto."

So, these points were carefully considered by the Committee, and they insisted, in the interests of the general public of Travancore, that this provision should be incorporated in the Bill. Naturally, the Government accepted the position and the Bill was passed into Law, with this provision in it. It was passed but 2 years ago, namely in 1108. Such was the setting in which the Regulation came in to existence. I must say that I feel great diffidence in accepting any change in this provision within so short a period as two years. This morning I was quite confident that the Bill may very well be examined by a Select Committee. But, after hearing the weighty opinions from the opposition, I feel tottering. That it may be advisable to have the Bill very carefully examined by a Select Committee is still my opinion. And the Committee should be given full powers to do whatever may be necessary with the Bill. I may mention one particular reason for this. Immediately after the Regulation was passed, certain complaints were heard saying that this provision, as it stands, will make the working of Societies totally impossible. Government made enquiries, and although the enquiry is not complete or quite satisfactory Government came to the conclusion that it will be advisable to have it re-examined. I am not prepared to say more about it at present. But I can say this: If the House is inclined to allow it to be examined by a Committee with full power to deal with the Bill in any manner they please, Government will not be against it. I would also suggest that those members of the former Select Committee who are also members of this House...... .....

DEPUTY PRESIDENT: That only arises later on.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes

DEPUTY PRESIDENT: The object of the Bill seems to be rather to limit it only with regard to one provision. I am sure the Law Member would tell the House if he has any particulr reason to refer the Bill as a whole to the Select Committee.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Although there is only one provision in question, it must be open to the Select Committee to examine it very carefully and recommend to the House even drastic changes.

MR PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member whether the Government is favourable to the principle underlying this Bill?

DEPUTY PRESIDENT: That question cannot be asked. The Law member has explained the position of the Government and said that the Government have no opposition. That is all. Mr. Paramesvaran Pillai did not say that the Government is for or against the principle. To put that question means that it will create a difficulty when Government has once expressed its intention.

MR. R. SAMBASIVA AIYAR (*Karunatnad II*): May I know from the member whether the Government intends to remain neutral?

DEPUTY PRESIDENT: Words already expressed speak for themselves.

MR. PUTHUPALLI S. KRISHNA PILLLAI (*Quilon II*): Sir, from the debate on this Bill it is very clear that these Provident Insurance Societies which came into existence in Travancore under very unfavourable circumstances still continue to remain under the same circumstances and no change whatsoever has been brought about in the attitude of the public towards it. At the time when these companies came into existence in Travancore there was no legislative enactment to check or control them. That naturally gave the organisers of these companies unlimited choice to speculate upon what may be called *chance*. From the very scope of the principle upon which these companies came into existence elsewhere in the actual working of these companies they drifted into very undesirable channels. Sir, even to day in England Provident Insurance Societies which came into extistence in 1774 are working profitably and for the benefit of the public. They were started in England for the purpose of providing for the improvident, for the poor and the disabled and therefore, it is known there by the name of friendly societies.

MR K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether those Societies under-take any other form of insurance work?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Those Societies are not working on the principles of regular major Insurance Companies. Here the principle is to collect money and then to divide At the end of every year it will be found that every Society keeps a clean slate. So, some of the companies were known as slate companies. These companies were also formed under the auspices of Trade Unions for

the purpose of helping improvident workmen and artisans in their emergent needs. In short, these companies are not intended for the rich. It was meant for the poor. The poor are thus compelled to put by something which would stand them in good stead in times of stress. It was thus, Sir, that these companies were started as early as 1774. Several such institutions which were started in that year and in subsequent years are working satisfactorily in England. It was long after that these present Provident Insurance Companies modeled on the friendly societies of England slowly came into existence in India., and till 1912 there was no statutory enactment to control and check their activities. Before the passing of the Provident Insurance Societies Act of 1912, the conditions prevailing in British India were some-what similar to those prevailing in this country till 1108. The scandals relating to the working of these Societies were so great and true that the Legislature found it necessary to intervene in the best interest of the public. An institution designed for the benefit of the poor, had become a den of gamblers who gambled on the lives of the poor and the aged. To check the growth of such institutions the Select Committee introduced a clause compelling these Societies to make the deposit before they were registered under the Regulation. But this provision does not find a place in the British Indian Act. Here our Legislature came forward and said "We will frame the law in such a manner that we shall have full control over these institutions in order that more responsible and more respected persons would be in the field to carry on the activities of such companies". It was with that object that this provision was passed. The Select Committee had before them the Bill relating to the major insurance scheme. There was in it the provision for compelling such companies to deposit a certain amount with the Government. And it was thought by the Committee then that this may be done in the case of Provident Insurance Societies in order to prevent the mushroom companies coming into existence all on a sudden. The small deposit of Rs. 5,000 was insisted upon. This had its desired effect, for more than 350 companies immediately disappeared from the scene. They were companies which could not command a cash credit of Rs. 5,000.

The next question considered by the Committee was whether this deposit should be increased, whether it should be satisfied with this Rs. 5, 000 or whether by any means it should be enhanced. In order that the authorities may be satisfied of the proper working condition of these Societies, it was thought advisable that they may be called upon to contribute a small portion of the savings in their hands. That was all that was agreed to.

And then, Sir, came the question as to what percentage of the earning may be ordered to be deposited. The members of the committee were unable to form a definite opinion' because no statistics were available, and no facts and figures were placed before the Committee to ascertain the exact ratio or proportion of the income which should be compelled to be deposited. The members of the committee agreed

[Mr. Puthupalli S. Krishna Pillai.]

that there was a 33 1/3 per cent. yet in their hands and the Committee thought that there would be absolutely no harm in asking the companies to deposit a 15 per cent. out of that The members of the committee thought that the balance 18 per cent would be sufficient to meet the running expenses. This was but a guess and it is submitted that like all guesses it has turned out to be inaccurate.

DEPUTY PRESIDENT: Are you aware of the result of the enforcement of such a law in British India, as to how many companies ceased to function?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In spite of the Act of 1912 relating to Provident Insurance Societies, a large number of companies were working.

And at the time our Travancore concerns came into existence, there were a large number of British Indian companies carrying on regular business in Travancore. With the introduction of the Insurance Regulation the foreign enterprises in this country disappeared altogether and it is unlikely they could compete with the Travancore companies. Those who take up policies in the Travancore concerns, can take steps for the purpose of realising their amounts more easily than they would be able to do in the case of British Indian concerns.

DEPUTY PRESIDENT: In British India itself?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): There, Sir, many companies disappeared in 1912. The absence of any provision for making an initial deposit still renders it possible for any company to work in British India. All that is wanted there is to get the company registered in accordance with the rules. It is not obligatory upon those companies to make initial deposits or make further deposits and therefore the number of companies in British India is much larger than that in Travancore.

MR. PACODE A. NARAYANA PILLAI (*Vilacunkod*): May I know from the member the principle of the Provident Insurance Societies now working in British India?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I am not aware Therefore, Sir, when the Bill was passed, the members of the committee thought that they were providing for an additional safety, over and above the very elaborate condition contained in the British Indian enactment when they introduced the provision relating to the deposit. One thing also has to be observed, that is of recognising Provident Insurance work in this country. The preamble shows that the Regulation applies only to concerns which guarantee payment of Rs. 500 and below. That provision will show that it is intended for the poor, that it is intended for the benefit of the poor. Therefore the principle of the Bill was accepted and even today it is accepted. Accepting the principle of the Bill, the question is how we shall be able to get the principle worked out. I submitted at the outset that if the percentage of the deposit fixed in the Regulation is to be continued, it leads to this result that, either they have to make the deposits from their own pocket,

as was suggested by my Honourable friends Mr. Karayalar or to wind up the business. Now the person, Sir, who has undertaken this sort of insurance work, *i.e.*, the work of providing for the poor should not be expected to find Rs. 5, 000 from his own pocket to start the business and then to contribute Rs. 45, 000, also from his own pocket, for no money belonging to the policy-holders will be left in their hands. In the case of the major insurance scheme, it is different. It is conceded, Sir, that the profit that is derivable from transactions like this are very much limited compared to the profits derived from other insurance transactions. In the case of a chitty scheme the foreman derives a much larger profit. Sir, if we are to accept the principle of the Bill that Provident Insurance work should be carried on in Travancore by Travancoreans it should afford them facilities. It cannot be done by retaining in the statute, this provision which will practically annihilate the principle which is recognised as necessary. As I submitted it may not be possible, I might even say it is impossible, for any one of these concerns to deposit a 15 per cent. from its own pocket. It is equally certain that they cannot deposit it from its earnings. If, from the profit, this amount is ordered to be deposited, I can say that there is absolutely nothing wrong; but from the statistics available it can be seen that this 33 1/3 per cent. is not their profit, but is an amount which is not sufficient to meet the working expensess I find from the report published in British India and elsewhere that the working expenses of these concerns are larger than the working expenses of major Insurance Companies. These facts could have been ascertained only by actual working experience. And by one year's experience, it has been found that it would be impossible to make these annual deposits out of the annual collections because practically at the end of the year the whole 33 1/3 per cent would be spent out for necessary purposes.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): It it not the tendency of civilised countries to bring down the expenses ratio still further ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes; that is the tendency and I submit that the tendency in Travancore is also like that. But when are you going to allow a person to cultivate that tendency? Without an opportunity given how can you cultivate that tendency ?

DEPUTY PRESIDENT: Is that tendency to be cultivated ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Yes, when they get an opportunity. Without giving an opportunity, Sir, how are you going to cultivate that tendency or habit ? That is what I advocate for, rather than kill them altogether; rather than wipe them out of existence, give them an opportunity to thrive. It is as much necessary for the people as it is necessary for the company.

[Puthupalli S. Krishna Pillai.]

Sir, I therefore submit that it is a matter which deserves the attention of the members of this House and a matter which requires investigation. If the members of the House are not satisfied, then, it would be time for them, Sir, to reject the Bill. But, I submit that ought to be done only after making an investigation into the matter. We have got the Registrar of Provident Insurance Societies who is in possession of all the registers and the accounts of the companies now in existence. They might call for those records and scrutinise them and find out whether this amendment is necessary.

I am quite sure that if they get an opportunity of enquiring into the matter they will surely be convinced. Sir, is it not improper, is it not unjust that we reject the Bill without taking an opportunity to think over the matter and consider it? So I request, Sir, that the Bill may be referred to a Select Committee.

DEPUTY PRESIDENT: The question is that the principle of the Bill be affirmed.

The motion was put to the vote of the House and carried.

MR KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*). I demand a poll.

A poll was taken and the House divided as follows:

AYES—33.

1 Mr. A. S. Damodaran Asan
2 ,, Antony George
3 ,, James Simpson
4 ,, M. Mahomed Haneef
5 ,, N. John Joseph
6 ,, K. C. Karunakaran
7 ,, K. M. Krishnan
8 ,, K. P. Krishna Menon
9 ,, Pottayil S. Krishna Panickar
10 ,, Puthupalli S. Krishna Pillai
11 ,, T. Krishna Pillai
12 Rao Sahib Dr. N Kunjan Pillai
13 Mr. K. Kunjukrishna Pillai
14 ,, C. V. Kunjuraman
15 ,, K. M. Kuriakose
16 ,, C. O. Madhavan
17 ,, M. N. Nair
18 ,, Srimati T Narayani Amma
19 Mr. R. Nilakanta Pillai
20 ,, Edavanatt S. Padmanabha Menon
21 ,, Kainikkara M. Padmanabha Pillai
22 ,, N. K. Padmanabha Pillai
23 ,, Changanachery K. Paramesvaran Pillai
24 ,, Kayalam Paramesvaran Pillai
25 ,, V. Ramakrishna Panickar
26 ,, R. Raman Pillai
27 Rao Bahadur N. Ramanuja Aiyangar
28 Mr. K. Sankaran
29 ,, R. M. Statham
30 ,, T. C. Thommen
31 ,, G. B. E. Truscott
32 ,, V. K. Velappan Nair
33 ,, T. P. Velayudhan Pillai

NOES—28.

1 Mr. N. Abdur Rahiman Sahib
2 „ K. C. Abraham
3 „ T. K. Alexander
4 „ V. T. Chacko
5 „ S. Chattanatha Karayalar
6 „ A. Easwara Pillai (*Kalkulam II*)
7 „ A. Easwara Pillai (*Kottarakara*)
8 „ K. R. Elenkath
9 „ M. K. Janardana Kamath
10 „ T. S. Jayantan Nambootiri
11 „ T. C. Joseph
12 „ N. K. Krishna Pillai
13 „ E. K. Kunjuraman
14 „ K. Mathavan
15 Mr. M. K. Madhavan Pillai
16 „ K. Mahomed
17 „ P. C. Narayanan Bhattatiripad
18 „ K. A. Narayana Pillai
19 „ Pacode A. Narayana Pillai
20 „ P. K. Narayana Pillai
21 „ G. Nilakantan
22 „ S. Nilakanta Pillai
23 „ K. Padmanabhan
24 Rao Sahib S. Paramesvara Aiyar
23 Mr. R. Sambasiva Aiyar
26 „ M. Sivatanu Pillai
27 „ A. Thanu Pillai
28 „ N. E. Varughese

NEUTRALS—5.

1 Mr. John Whitely Tolson
2 Miss Hepzibath Gnanasikamony
3 Mr. S. J. Nair
4 „ J. M. Joseph
5 „ P. K. Thomas

The principle of the Bill was accepted by the House.

The Secretary then read the title of the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : I beg to move that the Bill may be referred to a Select Committee consisting of the following members :—

Mr. T. K. Velu Pillai
„ Kayalam Paramesvaran Pillai
„ R, Nilakanta Pillai.
„ A. S. Damodaran Asan.
„ K. C. Karunakaran.
„ Easwara Pillai (Kottarakara).
„ P. K. Narayana Pillai.
„ Ramakrishna Panickar.
„ A. Thanu Pillai.
„ Antony George.
„ S. Chattanatha Karayalar.
„ Puthupalli S. Krishna Pillai

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I second it.

The motion was carried.

DEPUTY PRESIDENT : The Committee will report within four months.

THE VAKILS REGULATION (AMENDMENT) BILL.

MR. S. J. NAIR (*Nedumangad*) : I beg to introduce the Vakil's Regulation (Amendment) Bill.

MR. T. K. ALEXANDER (*Kunnatnad I*): I second it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): A point of order. I wish to have a ruling from the Chair. This Bill was placed on the Agenda of the Assembly of 23rd Kumbham 1109 and when Mr. S. J. Nair was called upon by the Chair to introduce the Bill, what took place is as follows —

> "MR. S. J. NAIR: As for the Vakils' Regulation Amendment Bill, I am not moving that Bill in this Session and I will bring it later on.
>
> MR. KAYALAM PARAMESVARAN PILLAI: Sir, on a point of order, it is not for him to say that.
>
> DEPUTY PRESIDENT: Mr S. J Nair, you cannot put the House on terms. The only question is whether you are introducing the Bill.
>
> MR. S. J. NAIR: I am not introducing the Bill Sir.
>
> DEPUTY PRESIDENT: Then there is an end of the matter.
>
> MR. S. J. NAIR: Yes, Sir."

MR. A. S. DAMODARAN ASAN (*Mavelikara*): What I am submitting is in view of what has taken place and what he has said that he is not introducing the Bill without any qualification he cannot bring this Bill.

MR. S. J. NAIR (*Nedumangad*): Sir, one word of explanation. I remember correctly.........

DEPUTY PRESIDENT: On that I rule Mr. S. J. Nair cannot put an extension on that matter. But as things stand and as shown in the proceedings Mr. S. J. Nair is at liberty to explain.

MR. S. J. NAIR (*Nedumangad*): Sir, I remember correctly, if my memory is correct, what I said at that time was that I was not introducing the Bill then. If the Chair would be pleased to get down the typed copy corrected by me I hope.........

DEPUTY PRESIDENT: The Chair in ruling that the proceedings are the final authority on that point, it is quite open to a member to bring to the notice of the publishing authorities concerned in the publication of the proceedings that what was said on the floor of this House has been taken down differently by the shorthand writers or some mistake was made in printing. But considering the lapse of time and considering the fact that Mr. S. J. Nair has acquiesced in that and that no objection has been taken, it is too late in the day to reconsider that question. Apart from that Mr. S. J. Nair is at liberty to show how he is entitled,

MR. S. J. NAIR (*Nedumangad*): Sir, I am introducing the Bill now and I am permitted to introduce the Bill by the President In the Agenda it is clearly shown in print that I am permitted to introduce the Vakil's Regulation Amendment Bill, Sir, and hence Mr. Asan's raising any objection is irregular.

DEPUTY PRESIDENT: Now you are at liberty to explain your rights and not refer to Mr. Asan's conduct. I shall deal with Mr. Asan's conduct if that is wrong.

MR. K. R. ELENKATH (*Kalkulam I*): A point of order. Once it is made to understand a Bill has been withdrawn, I beg to..........,

DEPUTY PRESIDENT : I am very sorry to hear the word 'withdrawn'. Not moving and withdrawing has considerable difference.

MR. K. R. ELENKATH (*Kalkulam I*) : Now it is seen in the Agenda that Mr. S. J. Nair is to introduce the Bill. But once the matter had been settled and the Bill had been rejected, before asking for leave to introduce the Bill and before being allowed to introduce the Bill, may I know whether the member is entitled to introduce the Bill ?

DEPUTY PRESIDENT : I am sorry I have not clearly understood you, Mr. Elenkath.

MR. K. R. ELENKATH (*Kalkulam I*) : The usual procedure is to ask for leave to introduce before a Bill is actually introduced. I now raise the point of order whether it is open to Mr. S. J. Nair to introduce the Bill straight-away before obtaining the leave of the House.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : May I raise another point of order, Sir ? When one point of order is under discussion and has not been disposed of, can another point of order be raised ?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : I suppose Mr. P. K. Narayana Pillai is now out of order. I am just submitting another point of order (*Laughter*).

DEPUTY PRESIDFNT : I am constrained to say that proceedings of this nature are not calculated to enhance the usefulness of discussion. (Mr. S. J. Nair ; *Hear, hear*) It is certainly open to members to raise points of order; but many people raising points at the same time is what we do not generally find in Assemblies where business is sought to be done. Not that I want to pass any severe strictures on such conduct ; but it occurs to me that if the object of these interruptions is calculated to prevent useful discussion, I may be constrained to take such action as I may deem fit.

Mr. P. K. Narayana Pillai was raising a point.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I submit, Sir, whether when one point is under discussion, another point of order can be raised.

DEPUTY PRESIDENT : I wish the House will have some consideration for the fact that the Chair can decide at a time only one point. I shall not disrespect the House by pretending to be able to decide twenty things at a time. Therefore, the point that is now before the House, namely, whether Mr. S. J. Nair is in order in introducing this Bill, will first be decided.

I wish to hear the Law Member before I give my ruling.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : This matter has given me some considerable difficulty, Sir. Even before the point of order was raised, I considered the position. I could not find any specific authority or precedent directly applicable to the present position. If we are to go by analogy, there is a provision in the Rules relating to resolutions, which says that if there is a resolution against a member he must move it and that, if he does not move it, he must be deemed to have withdrawn it. But there is no similar

[Mr. Kayalam Paramesvaran Pillai.]

provision in regard to motions in general nor in regard to the introduction of Bills. The introduction of a Bill necessarily involves the motion that the Bill be read in the Assembly. In the circumstances, it seems to me that the benefit of the doubt, as it were, may be given to Mr. S. J. Nair and that he may be allowed to introduce his Bill. As I stated at the outset, although the point occurred to me, I did not raise it myself because of the doubt involved. That is why I said that the benefit of the doubt might be given to Mr. S. J. Nair without creating any precedent for the future (*Laughter*).

DEPUTY PRESIDENT: Mr. Paramesvaran Pillai says that the benefit of the doubt may be given to Mr. S. J. Nair, but that this should not be cited as a precedent. I am constrained to say that if I give a ruling it will form a precedent. So, with the full knowledge that I am creating a precedent, I am passing this ruling.

I find that, at the time leave was asked for by Mr. S. J. Nair, it was granted to him and no definite time-limit was mentioned therein. Then, as will be seen from the proceedings of this House, dated the 7th August 1934, the Chair ruled— I was occupying the Chair—that Mr. S. J. Nair cannot put any terms to the House and that the only question was whether Mr. S. J. Nair was introducing the Bill or not. And Mr. S. J. Nair said "I am not introducing the Bill, Sir."

Then I said, "there is an end of the matter."

If, by 'matter' I had meant the end of the Bill, certainly, I would have stated that in clear terms. Therefore 'the matter' there means the matter of S. J. Nair introducing the Bill at that time. The permission given to Mr. S. J. Nair did not, as I have already stated, impose any restriction as to the time within which the Bill was to be introduced. Mr. S. J. Nair has not given up his right. He did not withdraw his Bill as has been suggested. Not pressing, I must repeat, is different from withdrawing. And, this item of business is included in the present Agenda. Mr. S. J. Nair is therefore competent to make his motion.

MR. S. J. NAIR (*Nedumangad*): Sir, my object in introducing this Bill is (i) to define the qualifications for the admission of vakils to the High Court and to the subordinate Courts; (ii) for prescribing the various stages for admission of duly qualified persons as vakils to practise in the various subordinate courts and in the High Court. and (iii) for specifying the various methods and manner of enrolling duly qualified persons—qualified by education as well as by experience—at the Bar, as vakils in the various courts, It is with that three-fold object that I introduce the Bill.

This Bill, I hope, will be a non-controversial measure (*Laughter*). There are only five clauses in it, Sir.

DEPUTY PRESIDENT: Is it not a very optimistic view, Mr. S. J. Nair, that you take when you say that you hope that your Bill would be a non-controversial measure.

MR. S. J. NAIR (*Nedumangad*): Clause 1, Sir, merely represents the short title and the date of commencement of the Regulation after this Bill is passed into law. There cannot certainly be any quarrel with me in regard to that clause.

Clause 2 deals with the need for the deletion of the existing section 4 of the Regulation under which the High Court has the power to make rules for the admission of vakils to the High Court, etc. The Bill proposes that section 4 of the present Regulation be deleted and substituted by clause 3 in the Bill. The vakils Regulation as it stands at present is most defective, since, for the admission of vakils and for their qualification etc., there is absolutely no statutory basis. At present it is left entirely to the High Court to make whatever rules they like. Sir, the profession of law is a noble profession, not only here but throughout the whole world. Therefore it is not desirable that its destinies must be left merely to the mercy and to the whims and caprices of the Judges of the High Court.

DEPUTY PRESIDENT; Is it not too strong an expression, Mr. S. J. Nair, to talk of the 'whims and caprices' of the Judges of the High Court?

MR. S. J. NAIR (*Nedumangad*): I withdraw the expression, Sir, if you consider it too strong (*Laughter*).

Anyhow, Sir, under sections 4 and 5 of the present Vakils Regulation the High Court has the power of making rules with regard to the qualification and enrolment of vakils in the various courts. This state of affairs to be permitted to continue is, I submit, not at all conducive to the honour, dignity and security of the profession. It is therefore, I propose to delete sections 4 and 5 of the present Regulation and to substitute them by the provisions in the Bill.

DEPUTY PRESIDENT: I suppose you mean *repeal* when you say *delete*, Mr. S. J. Nair?

MR. S. J. NAIR. (*Nedumangad*): I propose to substitute the provisions in the Bill in the place of sections 4 and 5 of the present Regulation.

With regard to the enrolment of High Court Vakils, in addition to the qualifications prescribed in the rules framed by the High Court and published in the Civil Courts Guide, I am suggesting a futher qualification also. That is to say that, in addition to B. Ls., Barristers, L. L. Bs., and others who, under the existing rules, can practise in the High Court.....................

DEPUTY PRESIDENT: You are not right there; even after passing the B. L. or the L. L. B. Examination, other conditions have to be fulfilled before a person is enrolled as a High Court Vakil.

MR. S. J NAIR (*Nedumangad*): That was why I submitted, Sir, 'under the rules published in the Civil Court's Guide. I wanted to be as brief as possible in my statement.

The new qualification that my Bill seeks to recognise is that of first grade pleaders of 5 years' standing in any of the Travancore District Courts can also become members of the High Court Bar. Sir, if any one of the Honourable members in this House is of opinion

[Mr. S. J. Nair.]

that this provision shall not find a place in the Bill, I shall have no objection for the provision being deleted at the Select Committee stage.

DEPUTY PRESIDENT: Mr. S. J. Nair, I do not want to interrupt you. You said that if there is any member of the House opposed to this clause in the Bill you are prepared to delete it. I think members ought to be more careful when making such observations. For the mere reason that one member is against a particular clause, that the mover, without any further consideration, should agree to delete the clause, is not quite in keeping with the usefulness and dignity of this House. I quite see that Mr. S. J. Nair is prepared to accept reasonable compromises. I may also draw his attention to this fact that once he has made his motion introducing the Bill, he will not be permitted to do what he likes. The assent of the House is necessary.

MR. KAYALAM PARAMESVARAN PILLAI (*Aditional Head Sirkar Vakil*): May I ask why first grade pleaders of 5 years' standing should be admitted as High Court Vakils?

MR. S. J. NAIR (*Nedumangad*): Such vakils would have gained the necessary experience at the Bar. Such vakils know the law of the land better than any Barrister or L. L. B. coming from outside.

In sub-clause (5) of clause 3, I have provided that second grade pleaders of 7 years' standing in any of the Travancore Munsiff's Courts is entitled to practise in the District Courts. The amendments I suggest in clauses 4 and 5 are only certain verbal changes suited to the Bill; and I hope none will have objection to them.

MR. K. PADMANABHAN (*Chirayinkil I*): It is stated in clause 4 that any person who shall produce a certificate of having passed the examination prescribed for first grade pleaders in Travancore and further in section 5, that any person who has passed the examination prescribed for second grade pleaders in Travancore and who has practised for seven years as a second grade pleader in the Munsiff's Courts in the State shall be admitted as pleaders of the first grade. May I know whether it is the intention of the member that they should be promoted by grade?

MR. S. J. NAIR (*Nedumangad*): Yes, Sir. It is the intention of the author of the Bill. As I have already submitted it is not in keeping with the dignity of the profession that a provision should exist which says that the position of the vakils in the State should be left to the rule-making powers of the High Court, and that the existence of the vakils and the power to issue them sannads should not be brought under statutory basis. With the object of bringing in the provisions for qualifications, admission and certificate of proper persons to be vakils of the High Court and subordinate courts under a statutory basis I am introducing this Amendment Bill. With regard to the provision that Munsiffs' Court Vakils should be enrolled after sometime as District Court Vakils I am supported by various reasons and considerations. In the second grade pleaders' conference that

was held in the State some years ago resolutions were passed that second grade pleaders of Munsiffs' Courts, under certain circumstances, should be permitted to practise in District Courts. The members of the 28th Session of the Sri Mulam Popular Assembly had submitted a memorial to the then Dewan, requesting that the Government must move the High Court to see that the Munsiffs' Court Vakils of some years standing and practice are allowed to practise in the District Courts. Resolutions were also sent up to the old Legislative Council as well as to the new Legislative Assembly and to the Sri Chitra State Council to the same effect. References were also made in the Centinary Celebration Conference of the second grade pleaders by His Honour Justice Mr. C. Raman Tampi and Mr. E. Subramonia Iyer, who was then one of the famous vakils in the High Court and who is now the Principal of the Law College. Both in the Press and in the platform continuous agitation has been going on for extending the privileges of the second grade pleaders so that they may be given sannads for practising in District Courts. Sometime back the system of granting sannads to pleaders of some years standing in the Munsiffs' Courts to practise in District Courts was in vogue and by my bringing in this provision it will be only a revival of the old order of things in the State.

With regard to the contributions that the second grade pleaders in the State have made to the law as well as to the country, I need not say much. We had several famous lawyers among the second grade pleaders. Messrs. Shencotta Rama Iyer, Kavalam Nilacanta Pillai and Kunju Warrier are a few...........

DEPUTY PRESIDENT : Were they second grade pleaders?

MR. S. J. NAIR (*Nedumangad*) : They were District Court Pleaders, but they began practice as second grade pleaders. Anyhow they were not High Court Vakils.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Was Mr. Kunju Warrier not practising in the High Court?

MR. S. J. NAIR (*Nedumangad*) : In the strict sense they were not qualified to practise in the High Court as matters stand now.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Were they not allowed to hold sannads to practsie in the High Court?

MR. S. J. NAIR (*Nedumangad*) : That was my view. They were allowed. But under the existing conditions and circumstances they would not have been allowed.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*) : Is the member aware that some of them have passed the High Court Vakils Test?

MR. S. J. NAIR (*Nedumangad*): Yes, I am aware that some of them have passed some examination of the High Court conducted long before I was born.

DEPUTY PRESIDENT: Then the enrolment of Shencotta Rama Iyer must have been before your birth.

MR. S. J. NAIR (*Nedumangad*): Some of them were permitted under the rules framed by their Honours of the High Court to practise in the High Court. My appeal to the members of this House is that a right and a privilege that was enjoyed by the vakils before should be renewed and revived and extended to them now. Moreover, the second grade pleaders are doubly fitted for this privilege they universally demand now. We find that most of the Vakils have made a study and have passed all the laws that are in vogue in Travancore. The idea that second grade pleaders should be given permission to practise in District Courts is only a noble and reasonable one. Moreover the Law Member has recently brought in the Civil Courts' Powers Amendment Bill. In this House, and as a result of it the Government wanted to raise the pecuniary jurisdiction of the Munsiffs to Rs. 2,500. If a second grade pleader is allowed to argue cases the pecuniary value of which will extend up to Rs. 2,500, I do not know why those persons should not be permitted to argue such cases in the District Courts, wherein the pecuniary appellate jurisdiction is only Rs. 1,000.

DEPUTY PRESIDENT: But that has not become law.

MR. S. J. NAIR (*Nedumangad*): But the principle has been accepted by the Government of Travancore, as well as by this House.

DEPUTY PRESIDENT: Do you mean to say that the Law Member has concluded so?

MR. S. J. NAIR (*Nedumangad*): The Law Member is precluded from raising any objection to it. My suggestion is that if pleaders who deal with cases the pecuniary value of which extends up to Rs. 2,000, are allowed to argue in Munsiffs' Courts why not those people be permitted to argue those cases in appellate courts, and especially in District Courts wherein the appellate jurisdiction is only Rs. 1,000. It would be only just and reasonable, if the second grade pleaders of some years standing are permitted to appear and plead in the District Courts.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the member think that it will be in the interest of the litigant public of Travancore?

MR. S. J. NAIR (*Nedumangad*): Yes, the interest of litigant public in the State also demands this. The litigant public would only be glad if their cases that were handled wonderfully and conducted properly in the Munsiffs' Courts by the second grade pleaders are permitted to continue so even in District Courts when they are taken over there in appeal. The confidence of the litigant public is secured by the second grade pleaders by their conduct and clearness in conducting the cases in the original side. However, the pleaders have got very great knowledge and experience of Travancore laws. They ought to be permitted to plead even in appellate courts for the cause of the poor litigant public of the country. That is the very reason why they should be given this power.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is the Honourable member aware of the practice obtaining in the sister State of Cochin ?

MR. S J. NAIR (*Nedumangad*): I know, as a matter of fact that some years ago this system of granting second grade pleaders sannad to practise in the Chief Court in Cochin State was prevalent. So far as Cochin is concerned they have no separate Law College. We have got a Law College here. Our people are taught our laws in our Law College and they are duly qualified. It is only after passing the examinations that they are entitled to get sannads to practise in the Munsiffs' Courts. It is essential and necessary that the position of second grade pleaders should be raised; and as the law now stands it lies in the rule-making powers of th Judges of the High Court to do so. But they are not doing so. Further, as the law now stands, the High Court Judges may, some time for various reasons say for political reasons at the instance of the Government, or upon their own initiative rob away the powers, the rights and privileges of a practising lawyer of great repute and influence to continue practice as a vakil or lawyer in the courts of the State by cancelling his sannad, since the profession of law has no statutory basis. We know instances in British India of eminent layers who had to do something in politics were debarred from appearing in the courts they were practising. So, at a time like this, if our people also take certain inclinations in the matter of political life in the State, unfourtunately the brilliant lawyers who take active part in it would be put to trouble. Under the existing law, I mean by sections 4 and 5, the position of even brilliant, honest and enterprising lawyers depend entirely upon the rule-making powers of the High Court.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Is it the member's opinion that no rule-making power should be vested in the High Court regarding the conduct of vakils practising in the Munsiffs' Courts ?

MR. S. J. NAIR (*Nedumangad*): For that I must refer to some other provisions in the Vakil's Regulation itself. Even under the existing provision there are several provisions in the Regulation which deal with the professional conduct, misconduct or any other conduct of the professional vakils. For the purpose of enforcing those provisions I do not think there is any necessity to give the power of framing rules to the High Court.

Sections 7, 8, 9, 10 and 11, Sir, of the Vakils' Regulation provide for the suspension and dismissal of the vakils' sannad for the reasons stated therein. So, in the presence of the provision in the law itself, I submit there is no necessity to empower the High Court to make rules as they please to look after the professional conduct of the vakils and also to empower them to make rules to suspend sannad &c. of vakils.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Does the member propose to take away the power of the High Court to punish vakils?

MR. S. J. NAIR (*Vedunagad*): No. I do not. I say that under the existing law there is ample provision for it. I do not provide any amendment to that in this Bill. There is no necessity to make any amendment in this Amendment Bill for the purpose. To punish vakils who deserve punishment, there are ample provisions, such as sections 7, 8, 9, 10 and 11 in the Regulation. Therefore there is no need or necessity for having made rules to punish vakils in the "Civil Courts Guide" by the High Court.

DEPUTY PRESIDENT: There is the law and there must be somebody to exercise that law.

MR. S. J. NAIR (*Velunanad*): Under the law the High Court is empowered to exercise it. There was no necessity to make unnecessary rules for that purpose, in the face of specific provisions in the Regulation.

DEPUTY PRESIDENT: You do not want the High Court to be given that power. Your position is that the rule is there, the rule may be applied by the High Court. But the High Court shall not pass rules. Is that your point?

MR. S. J. NAIR (*Vedumangad*): I shall make my position more clear, Sir. There is the law under the statute That law provides for the High Court to deal with vakils in cases of misconduct &c. And there are the Judges to administer the law as is found in the Vakils' Regulation. What I want is that they shall not be empowered to pass any rules so far as the provisions relating to vakils are concerned. Therefore in the interest of the persons who follow the Honourable profession of law, their position has to be secured and in order to keep up the honour and dignity of the vakils in the land and to promote their personal and professional interest I bring in this Amendment Bill, Sir.

With regard to the other clauses, I have merely suggested certain verbal changes only so that the subsequent sections 6 and 7 in the Regulation might go in reasonably and properly in the Regulation. I intend to make no serious changes in the Regulation to other clauses in the Amendment Bill. Therefore, I beg leave to introduce the Vakil's Regulation Amendment Bill and request the Honourable members of the House to support me in my attempt to promote the interest of the vakils and of the profession in the State.

DEPUTY PRESIDENT: Anybody seconding it?

MR. T. K. ALEXANDER (*Kunnatnad I*): I second it.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I rise to oppose the principle of this Bill. Sir, because I rise to oppose the principle of this Bill, it should not be taken that I minimise the very great talent that exists among that class of laywers known as the first grade and second grade pleaders and also the very valuable and significant

service that they have rendered in the matter of the administration of justice within the State. I do not look at the question from that stand-point. Sir, I object to this Bill of my friend, Mr. S. J. Nair, because of certain paramount considerations which ought to weigh with the public and with the Government with regard to the maintenance of certain standards in the profession of law.

Sir, the Government have appointed committees to enquire into various matters and the Laws' Delays Commission and the Unemployment Committee have both come to the conclusion that the Pleadership Examination should be stopped and that so long as we have got more than the necessary supply of persons who are more qualified to act and plead in a court of law, there does not seem to exist the necessity to have persons who have qualified as pleaders to be enrolled even for the purpose of the District Court and the Munsiffs' Court.

Sir, the reason which weighed with the Laws' Delays Commissioner was probably this. It is admitted that the Bar is overcrowded. It is also admitted that with the increase in numbers of lawyers the very high traditions of professional conduct known to the profession of law has suffered. It has also been admitted that the increase in the number of vakils, instead of facilitating the disposal of cases, has resulted in laws delays. This is the definite conclusion of the Laws Delays Commissioner after careful investigation into the matter, and he records this as his definite opinion and the reasons why he advocates that only graduates should be allowed to practise in courts and that other provisions should be made for persons who are qualified as pleaders in aiding the administration of justice and to keep the high standards and ideals of the profession intact and also to facilitate the administration of justice. He very pertinently points out that it should not be administrative expediency but administrative efficiency that ought to be the guide in the matter of determining this question and he, after paying a glorious tribute to the most valuable work done by pleaders in various courts, examines the present situation very impartially and comes to the conclusion that it is not in the best interests of the administration of justice that hereafter pleaders should be allowed to appear, act and plead as vakils even in Munsiffs' Courts and District Courts which right they now enjoy. As a result of this, Government seem to have so far accepted the weight of his opinion and they have, I think, stopped the Pleadership classes. Sir, I hope my Honourable friend Mr. S. J. Nair will consider this question of the administration of justice as of paramount importance and keeping the profession of law on a high pedastal is a matter of greater importance than the assertion of the rights of a party of lawyers.

MR. S. J. NAIR (*Neyyattinkara*): May I know from the member whether the Pleadership Class is closed permanently?

MR. K. KUNJUKRISHNA PILLAI (*Quilon* ...): It is abolished. It cannot be disputed that the tremendous volume of opinion as we are able to understand from the report is against the continuance of the Pleadership Classes. I do not know whether it is permanently or finally abolished.

DEPUTY PRESIDENT: There is no finality in matters of administration.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Anything cannot be said to be permanent in the philosophical sense of the word. My friend should look from this stand-point, from the stand-point of administrative efficiency and the keeping intact of the high ideals of the profession of law and also the fact that the over-crowding in the court means a powerful factor in the delay that is occasioned in the disposal of cases and should not merely be guided..........

DEPUTY PRESIDENT: Does the Laws Delays Commissioner say that in character and capacity the second grade pleaders are bad?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) No, the Laws Delays Commissioner has very clearly stated and I shall refer to that, if it is necessary. He says:—

> "...............It might be that if there were at the Bar a sufficiently large number of graduates-in-law to serve the needs of the litigant public, some limitations might be imposed on the enrolment of candidates who are not so well equipped as the graduates. This suggestion is not meant as a disparagement of the very valuable work that is being turned out by the pleaders who now practise before the subordinate courts in the lands. As a rule they are the acknowledged leaders of the Bar in the mofussil, and many of them will, in point of professional skill and experience, hold their own with the most successful Barrister or graduate-in-law; and their local influence as leaders of public opinion cannot also be under-rated.
>
> The question, however, is not whether the pleaders in the past have not been a success, but whether in view of the large increase in the number of practitioners with higher qualifications, some means could not be devised whereby their services could be more fully utilised without at the same time eliminating the class of vakils known as the 'pleaders'...........

That is the angle of vision of the Laws Delays Commissioner.

DEPUTY PRESIDENT So, the Commissioner wants this class to continue and that no more vakils should be enrolled from these pleaders, if possible?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes, Sir.

MR. S. J. NAIR (*Nedumangad*): May I know whether the Commissioner wants to sacrifice the rights of pleaders?

DEPUTY PRESIDENT: I do not allow the question. It is a matter of opinion.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): The only intention, the sole intention of the Laws Delays Commissioner, is to find out the best method to avoid delay, how far the present system of over-crowding of the members of the profession in the various courts causes delay. That was the principal question to which he adverted himself; and he came to the conclusion that over-crowding to a large extent prevents speedy disposal of cases.

MR. M. SIVATANU PILLAI (*Tovala*): Does the Commissioner advocate abolition of the Law College?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He does not for obvious reasons to which I do not think I should advert, because it is not necessary for the purpose of this Bill. He says, because there is a sufficient number of people who are better qualified than the pleaders, there is no necessity at the present moment for any increase of the numbers by this method.

DEPUTY PRESIDENT: I am very sorry to interrupt the memebr; but I find it is absolutely necessary to do so. Does the Commissioner say in his report that there is comparatively more delay in the subordinate court on account of second grade pleaders than District Court Pleaders?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): He deals with the question generally and says that overcrowding is one of the causes of delay. They say that the High Court is overcrowded, the District Courts are overcrowded and the Munsiffs' Courts are also overcrowded.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In view of the question, Sir, may I be permitted to read that particular portion relating to this point in the report. This is what the Laws Delays Commissioner says:

"The Bar is getting crowded day by day, and there are some who think that this crowding makes it more and more difficult for the Bar to maintain un-impaired its noble traditions. It is also said to be responsible for a lowering of the standards of work. It is also said that this growth in numbers, instead of facilitating the despatch of work in courts, has just the opposite effect......".

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): I think there is great force in that.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This is what the Laws Delays Commissioner says " and results in immediate prolongation of legal proceedings ".

MR. S. J. NAIR (*Nedumangad*) May I know from the member whether the Laws Delays Commissioner has suggested that the sannads granted to District Court and Munsiff Court Vakils should be suspended ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*); No.

He has suggested various devices. One is that graduates should undergo training as apprentices under an Advocate of standing as they do in British India. He says, merely because a man has taken the degree he should not be allowed to deal with questions relating to properties and other interests involved in litigation to the detriment of litigants. The apprentice course is suggested so that lawyers who go to practise may have experience of the procedure and law. I do not go into the relative merits of the degree-holders and the pleaders. But I suggest that one result follows *viz.*, if we adopt the Bill as proposed by Mr. S. J. Nair, about a thousand pleaders who are practising in Munsiffs Courts, according to the report of the Laws Delays Commissioner, will be eligible to enter the High Court after the lapse of 12 years, besides the annual increase of output from the Law College here. That conclusively proves the fact that there will be accentuation of overcrowding which the Laws Delays Commissioner wanted to avoid to minimise laws delays.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): Is it the member's opinion that the pleaders will automatically go to the High Court?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): After 12 years automatically, Munsiffs Court pleaders become eligible to be enrolled as High Court Vakils. It does not mean, because the pleader goes to the High Court, he cannot go to the Munsiffs Courts.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): Is it not a question of survival of the fittest?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): There is no doubt about that. Nobody is fighting shy of that. The question is whether, in the interest of efficient judicial administration the policy as adumberated in the Bill introduced by Mr. S. J. Nair, is one we should adopt or not. Survival of the fittest is everywhere and we are not asking that the pleaders should not be allowed to practise in Munsiff's Courts.

MR. M. SIVATANU PILLAI (*Tovala*): If pleaders are allowed to practise in High Courts or District Courts, how does it affect efficiency in the administration of law?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Administrative efficiency in law has been is so well known that it needs no explanation. I do not wish to dilate on that. It is well known and it does not stand in further need of elucidation and explanation. That is the ground on which the Laws Delays Commissioner has restricted the inclusion of pleaders who are sought to be made eligible to practise in the High Court. In the present state of affairs it does not seem to be necessary.

On the other-hand the Bill adversely affects the disposal of cases by and will increase the delay in the High Court. I would earnestly request my friend Mr. S. J. Nair to give his attention to this general aspect of the question as different from pleading for privileges of a particular section of lawyers.

DEPUTY PRESIDENT: Your prominent reason being prevention of overcrowding?

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Yes and the absence of necessity at the present moment, because, there are sufficient number of duly qualified lawyers who are more than sufficient to meet the demand.

MR. K. R. ELENKATH (*Kulkulam I*): I support the principle of the Bill for what seems to me a very substantial reason. The question of overcrowding is a fact which should not be taken into account in the legal profession. The profession of law as all other professions can afford to take in any number of people into its fold. In the interests of the litigant public of which the opposer spoke I should think that he must be allowed to select the best lawyer from a large group with whom he can entrust his case with safety. To my knowledge, Sir, even in District Court pleaders are generally the leaders of the Bar and it seems to be a pity that the First Grade Pleadership Examination has been unfortunately abolished to the detriment to the profession of law.

It is a well-known fact that the few first grade pleaders who have survived the examination are leading the profession now and B. L.'s and M. L.'s are undergoing apprentice course under them. I have come across instances where the first grade pleaders send up their juniors who are B. L.'s and M. L.'s to plead on their behalf, for they are forbidden to appear in High Court. One member referred to the observations made by the Laws Delays Commissioner in opposing the Bill. My suggestion is that his observations could only go to support the object of the Amendment Bill. The only fact that the Laws Delays Commissioner has emphasised to justify any restriction is the plea of overcrowding. At the same time the Commissioner admits that in Munsiff's Courts they are the leaders of the Bar and he offers strong testimony to their capacity and efficiency. I know many of the Munsiffs Court pleaders are getting decent income while some of the B. L.'s and M. L.'s are spending their days in starvation. In speaking of the efficiency of administration in law, my submission is that the plea advanced by the opposer of the Bill is lame and unconvincing. Suppose this Legislature or for that matter the High Court, took it into their head to enact or pass a rule to the effect that only M.L.'s may be allowed to practise in the High Court and B. Ls in the District Court and pleaders in the Munsiffs Courts just to facilitate work and to avoid overcrowding. In that case the litigant public would have been deprived of the services in the highest court of such eminent lawyers as Messrs P. K. Narayana Pillai, Changanachery Parameswaran Pillai, Mallur Govinda Pillai and the Deputy President who now occupies the Chair, for the mere reason that they are not M. L's.

DEPUTY PRESIDENT: As far as possible please avoid personal references.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, my only point in making that is this. Suppose, for fear of overcrowding in the profession of law only M. Ls. are allowed to practise in the High Court. Such men, as I referred to above, who are B. L.'s of longstanding practice and reputation may not after 15 or 20 years of practice care to appear for the M. L. degree examination. If such persons are debarred from appearing in the High Court what will be their fate and that of the litigant public? I know as a matter of fact there are B.Ls who are examiners for the M. L. degree. Such being the case there is no question before us of general qualification and its connection with legal practice. Therefore I strongly support the Amendment Bill brought forward by Mr. S. J. Nair.

MR. N. E. VARUGHESE (*Tiruvalla I*): സർ, മി: എസ്സ്. ജെ. നായരുടെ ബില്ലിലടങ്ങിയിരിക്കുന്ന പ്രധാനതത്വത്തോടു ഞാൻ പൂർണ്ണമായി യോജിക്കുന്നു. ഞാനും എന്റെ യൌവ്വനകാലം മുഴുവനും വക്കീൽപണിയിൽ കഴിക്കയും ഓരോ സമുദായത്തിനും രാജ്യത്തിനും വക്കീലന്മാരെ കൊണ്ടുണ്ടാകാവുന്നതും ഉണ്ടായിട്ടുള്ളതുമായ ഗുണങ്ങളെ അറിയുകയും അനുഭവിക്കുകയുംചെയ്തിട്ടുണ്ട്.

ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന പ്രധാനതത്വത്തെപ്പററി മാത്രമെ ഈ സന്ദർഭത്തിൽ വിചിന്തനംചെയ്യേണ്ട ആവശ്യമൊള്ളു. ലാ എന്നുള്ളതിനു നീതി എന്നാണർത്ഥം. മുൻസിഫ്കോടതിയിൽ വ്യവഹരിക്കുന്ന ഒരു വക്കീലിൻെറ സ്വഭാവഗുണം, കാര്യശേഷി, നിയമത്തിലുള്ള ജ്ഞാനം, കേസ്സുകൾ ജാഗ്രതയോടുകൂടി നടത്തുന്നതിനുള്ള സന്നദ്ധത ഇവയെല്ലാം ഒരുകക്ഷിക്കു ബോദ്ധ്യംവന്നാൽ ആ കക്ഷിക്കു എവിടെയെല്ലാം വ്യവഹാരങ്ങളുണ്ടോ അവിടെയൊക്കെയും ഈ വക്കീലിനെ അധികാരപ്പെടുത്തുന്നതിൽ നിയമതടസ്ഥംചെയ്യാമോ എന്നാണ് പ്രധാനമായി ഇവിടെ ആലോചിക്കാനുള്ളതു്. സർ ടി. മുത്തുസ്വാമിഅയ്യർ എന്നു ജഗൽപ്രസിദ്ധനായ ആളം മദ്രാസ് ഹൈക്കോടതിയിലെ ഏററവും പ്രധാനപ്പെട്ട ഒരു ജഡ്ജിയായി തീർന്നിരുന്നു എന്നുള്ളതു നമുക്കെല്ലാവർക്കും അറിയാവുന്ന ഒരു സംഗതിയാണ്. അദ്ദേഹത്തിൻെറ അഗാധമായ പാണ്ഡിത്യവും മഹത്തരമായ സ്വഭാവവൈശിഷ്ട്യവുംകൊണ്ടുണ്ടായിട്ടുള്ള ഫലങ്ങളെ നാം ആസ്വദിച്ചിട്ടുണ്ടല്ലോ. എന്നാൽ ബി. എ. ബി. എൽ. പരീക്ഷജയിച്ചവരെ ആ സ്ഥാനം വഹിക്കുവാൻപാടൊള്ളു എന്നു ഒരു നിയമം അക്കാലത്തുണ്ടായിരുന്നെങ്കിൽ അദ്ദേഹം ജഡ്ജുമെൻറുകളിൽ എഴുതിയിട്ടുള്ള അതിപ്രധാനമായ നിയമതത്വങ്ങളൊന്നും പുറത്തുവരുവാൻ ഇടയില്ലായിരുന്നു. അതുപോലെതന്നെ നമ്മുടെ രാജ്യത്തിലെ ഇന്നത്തെ ഭരണകർത്താവായി നിയമിക്കപ്പെട്ടിട്ടുള്ള സർ, ഹബീബുള്ളയ്ക്കു തന്നെ ബി. എൽ പരീക്ഷാവിജയമോ മററുതരമായ വലിയപരീക്ഷായോഗ്യതയൊ ഇല്ല. അങ്ങിനെയുള്ള പരീക്ഷായോഗ്യതയുള്ള ആളുകൾക്കുമാത്രമെ ദിവാൻപദത്തിൽ പ്രവേശിക്കുവാൻപാടൊള്ളു എന്നു ... ...

DEPUTY PRESIDENT: വക്കീലിൻെറ ജോലി ഭരണസംബന്ധമായിട്ടുള്ളതല്ലല്ലൊ.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഞാൻ ഒരു അനാലജി പറഞ്ഞു എന്നേയുള്ളു. ഭരണസംബന്ധമായ കാര്യങ്ങളിൽ ഇങ്ങനെ ഒരു പരീക്ഷായോഗ്യത വച്ചിരുന്നാൽ അതു് ഏതുപ്രകാരം ജനസമുദായത്തിനു ദോഷകരമായിതീരുമായിരുന്നുവൊ അതുപോലെ നിയമസംബന്ധമായ ജോലികളിലും യോഗ്യന്മാരെ തടുക്കുന്ന ഒരു നിയമം സ്വീകരിക്കുന്നതു ജനസമുദായത്തിനു ഗുണത്തെക്കാൾ ദോഷത്തെ ചെയ്യുന്നതാണെന്നാണ് എൻെറ താഴ്മയായ അഭിപ്രായം.

യോഗ്യതയാണ് ഏററവും പ്രധാനമായിട്ടുള്ള കാര്യം. യോഗ്യന്മാരായ ആളുകൾക്ക് അവരുടെ യോഗ്യതയ്ക്കനുസരിച്ചു മുന്നോട്ടു പോകുന്നതിനും അവർക്ക് ഏതെല്ലാം സ്ഥാനങ്ങളിലെത്താമോ അവിടെ ഒക്കെ എത്തുന്നതിനും യാതൊരു തടസ്ഥവും ചെയ്തുകൂടെന്നാണ് എന്റെ അഭിപ്രായം. (Mr. S. J. Nair. *Hear, Hear*) അതനാൽ മുൻസിഫ്കോടതിയിലും ജില്ലാക്കോടതിയിലും വ്യവഹരിച്ചുവരുന്ന വക്കീലന്മാരെ ക്ലിപ്തകാലശേഷം ക്രമേണ ജില്ലാക്കോടതിയിലും ഹൈക്കോടതിയിലും വ്യവഹരിക്കുന്നതിനു സ്വാതന്ത്ര്യം നൽകേണ്ടതാണ്. മി. കുഞ്ഞുകൃഷ്ണപിള്ള ഇവിടെ പ്രതിപാദിച്ചതു കോടതിയിൽ ഇപ്പോഴത്തെ വക്കീലന്മാർ പെരുത്തുപോയി എന്നാണ്. ഹൈക്കോടതിയിൽ ബാരിസ്റ്റന്മാർക്കുമാത്രമേ പ്രാക്റ്റീസ് ചെയ്യാവു എന്നൊരു നിയമം ഉണ്ടാക്കിയാൽ ഇന്നു ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്ന ബി. എൽ. വക്കീലന്മാർക്ക് ഏതുപ്രകാരം അതു സങ്കടകരമായിരിക്കുമൊ അതുപോലെയുള്ള സങ്കടം താണകോടതിയിലെ വക്കീലന്മാർക്കും ഇപ്പോഴത്തെ നിയമം കൊണ്ടുണ്ട്. അതിനാൽ വക്കീലന്മാരുടെ സംഖ്യ കൂടിപ്പോയി എന്ന സംഗതി ഒരിക്കലും പ്രതികൂലമായി നിൽക്കുന്നതല്ല. അതുപോലെതന്നെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്ന വക്കീലന്മാർ അവരുടെ അന്തസ്സു വിട്ടു കീഴ്ക്കോടതിയിൽ വ്യവഹരിക്കാൻ പാടില്ല എന്നു വച്ചാലും അവരുടെയിടയിൽ എതിർപ്പുണ്ടാകും.

MR. A. EASWARA PILLAI: (*Kottarakara*) ബി. എൽ. പാസായ വക്കീൽ കീഴ്ക്കോടതിയിൽ വ്യവഹരിക്കുന്നതു് അന്തസ്സിനു കുറവാണെന്നാണൊ മെമ്പരുടെ അഭിപ്രായം?

MR. N. E. VARUGHESE (*Tiruvalla*): ആ അർത്ഥം ഉണ്ടെന്നു ഞാൻ വിചാരിക്കുന്നില്ല.

MR. A. EASWARA PILLAI (*Kottarakara*): ബി. എൽ. പാസായ വക്കീലന്മാർ കീഴ്ക്കോടതിയിൽ വ്യവഹരിക്കുന്നതു് അന്തസ്സിനു യോജിച്ചതല്ലെന്നു മെമ്പർ പറഞ്ഞ സ്ഥിതിക്ക് ... ...

DEPUTY PRESIDENT: He did not say that, Mr. Easwara Pillai, That was not his view.

MR. N. E. VARUGHESE (*Tiruvalla I*): അതുകൊണ്ടു ഈ ബില്ലിന്റെ തത്വംസ്വീകരിക്കണമെന്നുള്ള ഭാഗത്തോടു ഞാൻ അനുകൂലിക്കുന്നു. കാര്യക്ഷമതയ്ക്കത്യാവശ്യമായ പല വകുപ്പുകളെയും ഭേദപ്പെടുത്താനുണ്ട്. സെ

[Mr. N. E. Varughese.]
ലക്ട് കമ്മിററി ഏർപ്പെടുത്തുമ്പോൾ അതിൽ വാദപ്രതിവാദംചെയ്തു ഈ തത്വത്തെ അനുകൂലിച്ചു പാസാക്കുമെന്നു വിശ്വസിക്കുന്നു നീതി നടക്കത്തക്കവണ്ണം വേണ്ടവിധത്തിൽ ഇതിനെ രൂപീകരിക്കുന്നതിനു സെലക്ട് കമ്മിററിക്കധികാരമുണ്ടായിരിക്കണമെന്നാണ് എന്റെ അഭിപ്രായം.

MR. P. K. NARAYANA PILLI (*Ambalapuzha I*) : Sir, before we make up our minds whether we should support Mr. S J. Nair's Bill or reject it, it is better to consider the scope of the Bill in the light of the law as it stands at present. There is no law at present which prohibits a second grade pleader from arguing a case before a District Court. There is no prohibition as such. Only he cannot appear as a vakil before a District Court to argue a case there.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether any litigant is prohibited to appear?

MR. P. K NARAYANA PILLAI (*Ambalapuzha I*) : I am coming to that. The provision in the Civil Procedure Code enables the recognized agent of any party to argue a case before a District Court for him. It is also provided that a vakil may appear and argue. Suppose, as matters stand at present, a Munsiff's Court vakil takes a power-of attorney from a party and appears for him in a number of cases before the District Court. The District Judge cannot say that he cannot argue his principal's case. Therefore any gentleman practising in the Munsiff's Court may obtain powers-of-attorney and appear in a superior court and argue any case. He cannot be prohibited as the law stands at present. The only difficulty in this respect would be that the Munsiff's Court pleader would be obliged to pay the necessary stamp duty upon the power-of-attorney which he can avoid by becoming a Vakil. Therefore to say that there is a prohibition for the second grade vakil to appear in the District Court is not quite correct.

DEPUTY PRESIDENT : The law does not prevent remuneration being given.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Remuneration is a matter of contract between parties.

DEPUTY PRESIDENT : There is one point. The law does not allow remuneration being given to holders of powers-of-attorney.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The fee may be sufficient for the additional stamp duty.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As matters stand at present, I am submitting, Sir, that nobody can prohibit a second grade pleader from arguing a case in the District Court. Mr. S. J. Nair's complaint is the continuation of a long-standing agitation with which the Legislature is more or less familiar. Why not the Legislature be so good as to relax the necessity of paying so much stamp duty upon so many powers-of-attorney to enable second grade pleaders to argue

cases before the District Courts? This is the point to be considered in this amendment. So long as there is no serious obstacle in the way and the obstacle, if any, can be circumvented why not in a straight forward fashion allow second grade pleaders, say, of some standing to enrol themselves as District Court pleaders and thus save the stamp duty, on powers-of-attorney? For practical purposes it comes to that. I am not saying that the House should support it. I am placing the matter before the House as it stands in the light of existing conditions.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Why not the High Court be asked to change the rules?

DEPUTY PRESIDENT Mr. P. K. Narayana Pillai is not to answer that question as he has ceased to be a High Court Judge.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Can the power-of-attorney be taken by a second grade vakil from a party who is residing within the jurisdiction of the court? Section 33 of the Civil Procedure Code does not make any difference.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I don't think so. See the present order III, rules 1 and 2 in the Civil Procedure Code.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it open to any man who is entitled to appear with a powero-f-attorney to argue a case as a vakil in the High Court?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): As the law stands at present he cannot be excluded, not of course as a vakil.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the member is agreeable to change the law to this effect?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I do not say that. I am not supporting or opposing this Bill. I am only placing the matter as I said, for the consideration of this House, narrowing it to a practical standpoint.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I ....

DEPUTY PRESIDENT: There is no need for asking more questions on that point. Mr. P. K. Narayana Pillai answered the same question three times on the floor of this House.

MR EDAVANATT S. PADMANABHA MENON (*Shertala I*): I would like to know from the Honourable member whether he is supporting or opposing Mr. S. J. Nair's Bill

DEPUTY PRESIDENT: That is a very reasonable question.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): At present I am trying to place the question on an analysis of the law as it stands in Travancore. Probably I may not support the Bill. An objection has been raised against the motion by Mr. Kottur Kunjukrishna Pillai on the basis of the opinion expressed by the learned Laws' Delays Commissioner. I have very great respect for Mr. G. Sankara Pillai, the Laws' Delays Commissioner. The difficulty that is pointed out by Mr. Sankara Pillai is not likely to be obviated by the means suggested

[Mr. P. K. Narayana Pillai.]

by him (*Hear, hear*). What he says is that there would be considerable over-crowding at the Bar if the claims and demands of the second grade pleaders are allowed. He, therefore, proposed their abolition gradually in future so that they might become quite extinct as the dodo. Well, as for the prevention of over-crowding at the Bar, how far the abolition of the second grade pleaders would be effective is a question which may be legitimately considered in the light of the circumstance (*Hear, hear*) The University of Madras is turning out a number of graduates-in-law to be enrolled as legal practitioners in the State. As years go by these graduates-in-law would swell the over-crowding in the mofussil courts and the High Court. Even now, owing to the over-crowding in the District Courts some of the graduates-in law have taken themselves to practise before the Munsiff's Courts. The danger is not so much of second grade pleaders propagating their species, as the graduates-in-law multiplying so much as to smother the second grade pleaders who are now exposed to a fate like that in escheat. Therefore the trouble that is to arise in the direction of over-crowding would be from the graduates-in-law themselves and, Mr. Sankara Pillai's methods as suggested in the report of the Law's Delays Committee, do not provide any effective remedy or solution to avert the calamity. That is not a valid argument to oppose the claims put forward by Mr. S. J. Nair, not to say anything about the need to take into account the solid and magnificent services as Mr G. Sankara Pillai puts it, of the second grade pleaders in Munsiff's Courts.

There are however other considerations, like the general level of education culture and status, in the light of which, Mr. S J. Nair's Bill has no chance to fare well. They are not confined to the field of practising law, but permeate our social organization as a whole. It is in the light of such considerations, that the Barristers enjoy their rank. Adjudged purely on the basis of knowledge and experience of local laws some of the second grade pleaders may, as they are sometimes heard to say, be found to give points to inexperienced graduates-in-law or Barristers. That however is not the whole of it. Therefore, if the House is to view the Bill from a broader basis than the bare requirements of the practice of law, there is no reason why we should be enamoured of it.

With these observations I resume my seat.

MR. T. P. VEALAYUDHAN PILLAI (*Tiruvalla III*) സർ, മി. എസ്സ്. ജെ. നായർ അവതരിപ്പിച്ചിട്ടുള്ള "വക്കീൽറഗുലേഷൻ ഭേദഗതിബില്ലിൽ" അടങ്ങിയിട്ടുള്ള തത്വങ്ങളോടു ഞാൻ പരിപൂർണ്ണമായി യോജിക്കുന്നു. ജില്ലാക്കോടതികളിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കുന്നപക്ഷം കാര്യക്ഷമതയ്ക്കു ഹാനി സംഭവിക്കുമെന്നു മി. കോട്ടൂർ കുഞ്ഞുകൃഷ്ണപിള്ളയ്ക്കു ഭയമുള്ള സെക്കൻറുഗ്രേഡ് പ്ലീഡേഴ്സിൽ ഞാൻകൂടി ഉൾ

ക്കപ്പെട്ടിരിക്കുന്നതിനാൽ ഈ ഭേദഗതിബില്ലിലെ തത്വങ്ങളുടെ സാധുതയെപ്പററി അഭിപ്രായം പ്രകടിപ്പിക്കേണ്ടതു ഒഴിച്ചുകൂടാത്ത ഒരു ധമ്മമാണെന്നുകൂടി ഞാൻ വിശ്വസിക്കുന്നു.

സർ, ഏതെങ്കിലും ഒരു വ്യക്തി ജീവിതവൃത്തിയായി സ്വീകരിക്കുന്ന ഒരു തൊഴിലിൽ ക്രമപ്രവൃദ്ധമായ ഉൽക്കർഷം സമ്പാദിക്കുന്നതിനുള്ള ആനുകൂല്യങ്ങൾ ഉണ്ടായിരിക്കേണ്ടതു രാജക്ഷേമത്തിനും ആ തൊഴിലിൻെറ മഹനീയതയ്ക്കും അത്യന്താപേക്ഷിതമായിട്ടുള്ളതാകുന്നു. ഈ വിഷയത്തിൽ പരീക്ഷായോഗ്യതയെപ്പോലെതന്നെ പരിചയത്തിനും പ്രാധാന്യം കല്പിക്കേണ്ടതും ആണെന്നുള്ള തത്വം ഗവണ്മെൻറുതന്നെ ഇതര വകുപ്പുകളിൽ സ്വീകരിച്ചു പ്രായോഗികമാക്കിയിട്ടുള്ളതും ആകുന്നു. ഉദാഹരണമായി മെഡിക്കൽഡിപ്പാർട്ടുമെൻറ് എടുക്കുന്നപക്ഷം എൽ. എം. പി. പാസായി സബ്ബ്അസിസ്റ്റൻറു സർജൻ ആയി ജോലിയിൽ പ്രവേശിക്കുന്ന ഡാക്ടർമാരിൽനിന്നും സർവീസും സാമർത്ഥ്യവും അനുസരിച്ചു ഒരു ക്ളിപ്തശതമാനം അസിസ്റ്റൻറുസർജനായി കയററം ചെയ്യപ്പെട്ടുവരുന്നുണ്ട്. എന്നാൽ ആദ്യമായി എൽ. എം. പി. പരീക്ഷാവിജയികൾ അസിസ്റ്റൻറു സർജൻജോലിയിൽ പ്രവേശിക്കുന്നതിന് അനുവദിക്കുന്നമില്ല.

MR. POTTAYIL S. KRISHNA PANICKER (*Shertala II*) : എൽ. എം. പി. പാസായി അസിസ്റ്റൻറു സർജനാക്കിയിട്ടുള്ള ഒരാളിൻെറ പേരു പറയാമൊ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : ഒഴിച്ചിടപ്പെട്ടിട്ടുള്ള ക്ളിപ്തശതമാനം ഒഴിവുണ്ടാകുന്ന അവസരങ്ങളിലെല്ലാം ഇങ്ങനെ നിയമനം നടക്കുന്നതുകൊണ്ടു പ്രത്യേകം പറയണമെന്നില്ല.

MR K. R. ELENKATH (*Kalkulam I*) എൽ. എം. എസ്സാണൊ അതല്ല എൽ. എം. പി. ആണൊ? മെമ്പർ ഉദ്ദേശിക്കുന്നതു്

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : എൽ. എം. പി. ആണ്.

MR. A. THANU PILLAI (*Trivandrum-Rural*) എൽ. എം. പി, യെ ഡിപ്പൂട്ടി സർജൻ ആക്കുന്ന പതിവുണ്ടൊ?

MR: T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സബ്ബ് അസിസ്റ്റൻറ് സർജനെ അസിസ്റ്റൻറുസർജൻസ് ആക്കുന്നുണ്ട്. ആരീതിക്ക് സെക്കൻറ് ഗ്രേഡ് പ്ലീഡേഴ്സിനും ഡി: കോടതികളിൽ വ്യവഹരിക്കുന്നതിനു സൌകര്യം കൊടുത്താൽ മതി.

DEPUTY PRESIDENT : അവരുടെ ഗ്രേഡ് ഇല്ലാതാക്കണം എന്നേ പറയുന്നുള്ളൂ, അല്ലേ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഈ ബില്ലിനെ സംബന്ധിച്ചുള്ള തത്വത്തിൽ അത്രമാത്രമേ ഞാൻ പറയുന്നുള്ളൂ.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : ഒരാളിനെ ആദ്യം അസിസ്റ്റൻറു സർജനാക്കാതെ ഡെപ്യൂട്ടിസർജനാക്കുന്നതുകൊണ്ടുവിരോധമുണ്ടോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ഉണ്ട്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : സർവീസുണ്ടായികഴിഞ്ഞതിനുശേഷം അങ്ങിനെ നിയമിക്കണം എന്നുള്ള വ്യവസ്ഥ വേണമെന്നാണോ മെമ്പരുടെ അഭിപ്രായം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): അതെ. ബി. എൽ. പരീക്ഷാവിജയികൾ ഹൈക്കോടതിയിൽ ആദ്യമായി പ്രവേശിക്കുന്നതിനു അനുവദിച്ചിട്ടില്ല. "ഹൈക്കോടതിടെസ്റ്റ്" പാസായതിന് മേലോ അല്ലെങ്കിൽ ഒരു ക്ലിപ്തകാലം ജില്ലാക്കോടതിയിൽ വ്യവഹരിച്ചതിനു മേലോ മാത്രമേ അവരെ ഹൈക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിന് അനുവദിക്കുന്നുള്ളൂ. ഇതിൽ നിന്നെല്ലാം വ്യക്തമാകുന്നതു പരീക്ഷയെപ്പോലെ തന്നെ പരിചയത്തിനും സർവിസിനും പ്രാധാന്യം ഉരണ്ടന്നാണ്.

എഫിഷ്യൻസിയെ സംബന്ധിച്ച് പറഞ്ഞിട്ടുള്ള വാദത്തിൽ മററാരു തത്വം കൂടി നമുക്കു സ്വീകരിക്കേണ്ടതായുണ്ട്. സെക്കൻറു ഗ്രേഡ്പ്ലീഡേഴ്സിനുഡിസ്ട്രിക്റ്റുകോർട്ടിൽ വ്യവഹരിക്കാമെന്നു നിയമമുണ്ടായാലുംഎല്ലാപേക്കുംജില്ലാക്കോടതിയിൽ പോകണമെന്നുള്ള ആഗ്രഹം ഉണ്ടാകയില്ല. എഫിഷ്യൻസിയെ വർദ്ധിപ്പിക്കണമെന്നുള്ളതാണ് ഇതിനെ എതിർക്കുന്ന മാന്യമെമ്പറന്മാരുടെ അഭിപ്രായമെങ്കിൽ അതിലേക്കു അപേക്ഷകന്മാരായിവരുന്ന സെക്കൻഗ്രേഡ്പ്ലീഡേഴ്സിൻെറ എഫിഷ്യൻസിയെ തുലനം ചെയ്തുനോക്കുന്നതിനു ഗവണ്മെൻറിനു ആവശ്യമെന്നു തോന്നുന്ന ഒരു പരീക്ഷ ഏർപ്പെടുത്തി അപേക്ഷകന്മാരുടെ സാമർത്ഥ്യവും നിയമപരിജ്ഞാനവും മററുയോഗ്യതകളും പരിഗണിച്ചു പരീക്ഷയിൽ പാസാവുന്നവർക്കെങ്കിലും അവരുടെ ജീവിതോൽക്കർഷത്തിനു സൌകര്യപ്പെടത്തക്കവിധത്തിൽ ഇതിനെ ഭേദപ്പെടുത്തേണ്ടതു് അത്യാവശ്യമാണ്.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): വില്ലേജ് പഞ്ചായത്തു കോടതികളിൽ നിയമപരിജ്ഞാനംഇല്ലാത്ത ആളുകളെ കേസുകൾ വിസ്തരിച്ചു തീരുമാനം ചെയ്യുന്നതിനു ജഡ്ജിമാരായിനിയമിച്ചിട്ടുണ്ട്. അവർ മുൻപറഞ്ഞ നിയമപരീക്ഷപാസായാൽ സിവിൽ കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു അവക്ക് സന്നതുകൊടുക്കുന്നതു മെമ്പർക്ക് സമ്മതമാണോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): ആ ചോദ്യം ഈ വിഷയത്തെ സംബന്ധിച്ച് അസംബന്ധമാണെന്ന് എനിക്കുതോന്നുന്നതു കൊണ്ട് അതിനു ഞാൻ 'yield'ചെയ്യുന്നില്ല.

MR. K. R. ELENKATH (*Kalkulam I*): നിയമപരീക്ഷപാസാകാതെ ഏതെങ്കിലും വക്കീൽ പ്രാക്ടീസ് ചെയ്യുന്നതായി അറിയാമോ?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): സിവിൾ കോടതികളിൽ പ്രാക്ടീസ് ചെയ്യുന്നതായിഅറിഞ്ഞുകൂടാ.

ഒരു പരീക്ഷഏർപ്പെടുത്തി അതിൽ വിജയികളാകുന്നസമർത്ഥന്മാരായ സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനെ ജില്ലാക്കോടതിയിൽ വ്യവഹരിക്കുന്നതിനു അനുവദിക്കുന്ന പക്ഷം ഇവിടെ പലരും പ്രതിപാദിച്ചിട്ടുള്ളതു പോലെയുള്ള സംശയത്തിനു വഴിയുണ്ടാകുന്നതല്ല. പിന്നീടുപറയുന്ന വാദംബാറിൽ വക്കീലന്മാർ വർദ്ധിച്ചുപോകുമെന്നുള്ളതാണ്.

MR POTTAYIL S KRISHNA PANICKAR (*Shertala II*): സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു ഡിസ്ട്രിക്ട് കോർട്ടിൽ വ്യവഹരിക്കാൻ അധികാരം കൊടുത്താൽ മതി എന്നും വേറെ ഒരുസ്ഥലത്തും വ്യവഹരിക്കാൻ അനുവാദം കൊടുക്കേണ്ടതില്ല എന്നുമാണോ മെമ്പറുടെ അഭിപ്രായം?

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): എനിക്കു പറയാനുള്ളതു പറഞ്ഞു തീർന്നതിനു ശേഷം ചോദ്യങ്ങൾക്കെല്ലാം ഉത്തരം പറയാം.

DEPUTY PRESIDENT: You have put a question. If the member chooses he may answer. I allow the question and leave it to the member to answer.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*): I rise to a point of order, Sir. When a member is allowed to put a question, I want a ruling, whether it is incumbent upon the member to answer it if he is able to answer.

DEPUTY PRESIDENT : One may lead a horse to the water but twenty cannot make him drink. The Chair has got the authority to permit or prohibit questions. But the Chair has no authority to compel any member to answer the question. That is a matter of choice with the member. But, as a working rule, members while in possession of the House when questions are addressed, will generally answer; but no compulsion is possible.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I submit a point of order, Sir. May I draw the attention of the Chair to a ruling given in the previous session that, if a member is able to answer a question, he is bound to answer it ?

DEPUTY PRESIDENT : Mr. Velayudhan Pillai does not say that he is not able to answer but that he does not propose to answer. When the point need arise the previous ruling may be considered.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*) : പ്ലീഡർഷിപ്പ് പരീക്ഷ ഇപ്പോൾ നിറുത്തൽ ചെയ്തിരിക്കുന്ന സ്ഥിതിക്കു ഈ നിയമം നടപ്പാക്കുന്നപക്ഷം വക്കീലന്മാർ ബാറിൽ വർദ്ധിക്കുമെന്നു ഉദ്ദേശിക്കുവാൻ യാതൊരുന്യായവുംകാണുന്നില്ല. വക്കീലന്മാർവർദ്ധിക്കാൻപാടില്ലാ എന്നുള്ളതാണ് ശരിയായനയമെങ്കിൽ ബി. എൽ. പരീക്ഷതന്നെയും കുറച്ചു കാലത്തേക്കു നിറുത്തിവയ്ക്കുന്നതിനുള്ള മാർഗ്ഗങ്ങൾ അന്വേഷിക്കേണ്ടതായി വരുന്നതാണ്. പ്ലീഡർഷിപ്പ് പരീക്ഷ ഇപ്പോൾ നിറുത്തൽ ചെയ്തിരിക്കുന്നതിനാൽ സെക്കൻറു ഗ്രേഡ് പ്ലീഡേർസിനെ സംബന്ധിച്ചിടത്തോളം ബാറിലെനമ്പർ വർദ്ധിക്കുന്നതിനു ഇനി യാതൊരു കാരണവും ഇല്ലല്ലോ. മുൻസിഫ കോടതികളിൽരണ്ടായിരം രൂപാവരെ സലയുള്ള കേസുകൾ നടത്തുന്നതിനു മുൻസീഫ് കോർട്ടു വക്കീലന്മാരെ ഇപ്പോൾതന്നെ നിയമപ്രകാരം അനുവദിച്ചിട്ടുണ്ടു. കൂടുതൽ സലയുള്ള കേസുകളുടെ വാദമുഖങ്ങൾ വസ്തുക്കളുടെ വിലയെ ആശ്രയിച്ചല്ല സ്ഥിതി ചെയ്യുന്നതു്. അതായതു ഒരു കേസിൽ അടങ്ങിയിരിക്കുന്ന വാദമുഖങ്ങളുടെ പ്രാബല്യം ആ കേസിനു കാരണമായവസ്തുവിന്റെ വിലക്കൂടുതലിനേയോ കുറവിനേയോ ആശ്രയിച്ചല്ല ഇരിക്കുന്നതു്. മുൻസിഫ് കോർട്ടിൽ രണ്ടായിരം രൂപാവരെ സലയുള്ള കേസുകൾ മാത്രമേ വിസ്തരിക്കാൻ പാടുള്ളൂ എന്നു വച്ചിരിക്കുന്നു. കേസിനു കാരണമായ വസ്തുവിന്റെ വിലക്കൂടുതൽ കൊണ്ടുമാത്രം ഡിസ്ട്രിക്ട് കോർട്ടിൽ സെക്കൻറ്ഗ്രേഡ് പ്ലീഡേഴ്സിനു വിസ്തരിക്കാൻ പാടില്ലഎന്നുള്ളവാദം ഒരിക്കലും ന്യായമായിട്ടുള്ളതല്ല. രണ്ടുകോടതികളിലും അഭിമുഖീകരിക്കേണ്ടിവരുന്ന വാദമുഖങ്ങൾ അല്ലെങ്കിൽ നിയമതത്വങ്ങൾ ഒന്നുതന്നെ ആയിരിക്കും, അല്ലാതെ അതു വസ്തുവിന്റെ വില കൂടുതലിനെ മാത്രം ആശ്രയിച്ചിരിക്കുകയില്ല.

പിന്നീട അപ്പീൽകേസുകളെപ്പററിയാണ് നോക്കേണ്ടതു്. ഡിസ്ത്രിക്ററ്കോർട്ടിൽ പോകുന്ന അപ്പീൽകേസുകളെ മുൻസിഫ്കോർട്ടിൽ നടത്തുന്നതു് സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സാണ്. അതുകൊണ്ട് എഫിഷ്യൻസി കുറഞ്ഞുപോകുമെന്നു വിചാരിക്കാൻ ന്യായമില്ല. രണ്ടായിരം രൂപാവരെ സല്യയുള്ള കേസുകളെ വിസ്തരിച്ചു തീർച്ച കല്പിക്കുന്നതു് ഒരു മുൻസിഫാണ്. ഏതാനുംകൊല്ലം മുൻസിഫായിരുന്നതിനു ശേഷമാണ് അദ്ദേഹത്തെ ഡിസ്ത്രിക്ററ് ജഡ്ജിയായി നിയമിക്കുന്നതു്. പരീക്ഷയെമാത്രമാണ് പ്രധാനമായി പരിഗണിക്കുന്നതു് എങ്കിൽ ബി. എൽ പാസ്സായിക്കഴിഞ്ഞുടനെ ഡിസ്ത്രിക്ററ്ജഡ്ജിയായി നിയമിക്കാമായിരുന്നു. അങ്ങനെ ചെയ്യുന്നില്ല. ഈ നിലയിൽ നോക്കിയാൽ അനേകം കൊല്ലം മുൻസിഫ്കോടതിയിൽ പ്രാക്റ്റീസ് ചെയ്തിട്ടുള്ള വക്കീലന്മാർക്കു ഡിസ്ത്രിക്ററ്കോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു എന്തുകൊണ്ടു അനുവാദം കൊടുത്തുകൂടാ? പ്രാക്റ്റീസ്സിനാണ് ഇവിടെ പ്രാധാന്യം കല്പിച്ചിരിക്കുന്നതു്. അതിനാൽ പ്രാക്റ്റീസ്സുണ്ടെന്നു അധികാരികൾക്കു പരിക്ഷാരൂപേണ ബോദ്ധ്യമാകുന്ന സെക്കൻഗ്രേഡ്പ്ലീഡേഴ്സിനു ഡിസ്ത്രിക്ററ്കോർട്ടിലും കേസ്സുകൾ വിസ്തരിക്കുന്നതിനു അനുവാദം കൊടുക്കുന്നതുകൊണ്ടു യാതൊരു തരക്കേടും ഉണ്ടാകുന്നതല്ല.

വക്കീലന്മാരുടെ കാര്യംമാത്രമല്ല ഇവിടെ നോക്കേണ്ടതു്. കക്ഷികളുടെ സംഗതിയുംകൂടി ഇവിടെ പരിഗണിക്കേണ്ടതാണ്. ഡിസ്ത്രിക്ററുകോർട്ടിൽ വരുന്ന അപ്പീൽകേസ്സുകളെ മുൻസിഫ്കോടതിയിൽ വ്യവഹരിച്ച വക്കീൽതന്നെ നടത്തുന്നതായാൽ അതുനിമിത്തം കക്ഷികൾക്കു പലതരത്തിലുമുള്ള ഗുണം സിദ്ധിക്കുന്നതാണ്. മുൻസിഫ്കോർട്ടിൽ കേസ്സുനടത്തിയതുകൊണ്ടു കേസ്സിനെ സംബന്ധിച്ചു പരിപൂർണ്ണമായ ജ്ഞാനം അവർക്കു കിട്ടുന്നു. ആ ആൾതന്നെ ഡിസ്ത്രിക്ററു കോർട്ടിലും കേസ്സു നടത്തുന്നതായാൽ ധനസംബന്ധമായും കൂടുതൽലാഭം കക്ഷികൾക്കു ലഭിക്കുന്നതാണ്.

മാന്യമെമ്പർ മി. പി. കെ. നാരായണപിള്ളയുടെ അഭിപ്രായം ഒരു മുക്ത്യാർ വാങ്ങിക്കൊണ്ടു സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനു ഡിസ്ത്രിക്ററുകോർട്ടിൽ വ്യവഹരിക്കുന്നതിനു ഇപ്പോഴും പ്രതിബന്ധമില്ലെന്നാണ്. അങ്ങനെ നിയമപ്രകാരം അല്ലാതെയുള്ള ആ അവകാശം ഇപ്പോൾ നടപടിക്രമപ്രകാരം സെക്കൻഗ്രേഡ് പ്ലീഡേഴ്സിനെ സംബന്ധിച്ചടത്തോളം അംഗീകരിച്ചുകഴിഞ്ഞിരിക്കുന്നു. ഈവിധത്തിൽ അംഗീകരിച്ചു നടന്നുവരുന്ന സ്ഥിതിക്കു അതിന്നനുകൂലമായി എന്തുകൊണ്ടു് അവരെ നിയമപ്രകാരം അധികാരപ്പെടുത്തിക്കൂടാ എന്നാണ് ഞാ

ൻ ചോദിക്കുന്നത്. അതിനാൽ സെക്കൻറ്ഗ്രേഡ് പ്ലീഡേഴ്സിന് ഡിസ്ട്രിക്റ്റ്കോർട്ടിൽ സന്നതെടുക്കുന്നതിനു നിയമപ്രകാരം അധികാരം കൊടുക്കേണ്ടതത്യാവശ്യമാണ്.

സെക്കൻറ്ഗ്രേഡ് പ്ലീഡർഷിപ്പ് പരീക്ഷ ജയിച്ചിട്ടുള്ള പല മഹാന്മാരും ജഡ്ജിമാരായി നിയമിച്ചിട്ടുണ്ടെന്നുള്ള സംഗതി എല്ലാവർക്കും അറിയാവുന്നതാണ്. ബി എൽ പരീക്ഷ പാസായിട്ടുള്ള എത്രയോ ആളുകൾ ഈ സെക്കൻറ്ഗ്രേഡ് പ്ലീഡേഴ്സിൻെറ കീഴിൽ 'അപ്രൻറിസ്സ്' നടത്തിവരുന്നുണ്ട്. ഈ കാരണങ്ങളാൽ പരീക്ഷയെ മാത്രം പ്രത്യേകമായി ഗൌനിക്കാതെ സെക്കൻറ്ഗ്രേഡ് പ്ലീഡേഴ്സിനു ഒരു ഉൽക്കർഷം ഉണ്ടാകുന്നതിനു തക്കവിധത്തിലുള്ള ഒരു നിയമം ഉണ്ടാക്കുന്നതിനു നാം ശ്രമിക്കേണ്ടതു് ഏററവും അത്യാവശ്യമായിട്ടുള്ളതാണ്. തന്നിമിത്തം എഫിഷ്യൻസിക്കു ഒരു കുറവും ഉണ്ടാകുകയില്ല. കൂടുന്നതിനേ സൌകര്യം കാണുന്നുള്ളു.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I rise to oppose the motion. The rhetorical exuberance and the petitionary vehamence with which the Statement of Objects and Reasons is couched, clearly indicate that the main purpose of the Bill is to confer on the first and second grade pleaders of some years standing in the Bar, the privilege of practising in the High Court and District Courts respectively. I may confess at the outset that there are really very able, efficient and brilliant lawyers among the pleaders to whom even the most complicated cases may be entrusted with confidence and safety. But, sir, these are but exceptions and to frame a geneneral rule from these exceptions is inadvisable if not dangerous. These brilliant and distinguished few among the pleaders do get sufficient encouragement from the litigant public, enough opportunities they have to exhibit their talents, their merits are readily recognized and they are amply rewarded for their work, so much so, that it is quite unlikely and improbable that they may give up their extensive practice in the lower courts to which they comfine their attention at present, and jump up to the superior courts simply because they get an opportunity to do so.

Sir, the efficiency of a lawyer does not depend upon the number of years he had been a member of the Bar. The Bill proposes to confer eligibility to practise in the higher courts simply by taking into consideration the number of years a particular pleader has been in the legal profession. In the legal profession, the mere fact that 5 or 7 years have elapsed since a pleader has taken a sannad, cannot make him a competent lawyer. I do not say that this is the case with the first and second grade pleaders alone. Far from it. The cap fits the graduate-in-law as well, but undoubtedly they own better legal equipment, general knowledge, and culture than the pleaders

and no wonder they are considered to be more competent and efficient than the pleaders to practise in the higher courts of the land. Even from the start when the superior courts in the land are already over-crowded with men of better legal equipment and ability, is there any necessity after all to add to this set of lawyers by men with undecidedly inferior qualification and training. As far as I am able to derstand no necessity has been made out either by the mover or by those who supported him.

Then, Sir, a word about the encouragement, promotion, opportunity for exhibiting talents and the rest of it that the mover makes much of in the Statement of Objects and reasons. The mere privilege or eligibility conferred on a pleader to practise in a higher court than the one which is permitted now, can never be construed as a promotion or encouragement to him in the real sense of the term. Encouragement and promotion to a lawyer rest entirely in the hands of the litigant public. These come to him unasked as a result of the confidence and trust that the litigant public have in his proficiency and ability in the profession. I submit therefore, Sir, that if this piece of legislative activity of my learned friend the mover, is countenanced and allowed to become law, we would be, thereby, holding out a premium for inefficiency in-as-much as those that would readily take advantage of this measure, would mostly be those of the common run of pleaders who have fortunately or unfortunately joined the legal profession and have succeeded in putting in a few years service in the Bar; and certainly not those luminaries in the subordinate courts who have, as already mentioned, sufficient opportunities to exhibit their talents and get ample reward for their merit. With these few words I oppose the motion for the introduction of the Bill.

DEPUTY PRESIDENT: I am sorry to observe that in spite of the fact I said, order, order, more than once, that direction is not being followed by certain members. I do not mean to express anything more thinking that Honourable members will understand this direction.

MR. A. EASWARA PILLAI (*Kalkulam II*): Sir, I strongly support the Vakils' Regulation Amendment Bill now before the House. Sir. this question was engaging the attention of the lawyers of Travancore for the last 25 years and I know many eminent lawyers, both B. Ls. and pleaders, sympathise with the view expressed in the Amendment Bill now before this House. Sir, the opposers of the Bill were pointing out that they could not support this Bill for two reasons. If I understand them correctly, one of the reasons advanced by them is that if we allow second grade pleaders to practise in the District and High Courts of Travancore there will be much more over-crowding. Sir, as has been pointed out by the supporters of this Bill allowing the second grade pleaders to practise in the District and High Court or disallowing them as contemplated by the opposer will not in the least affect the matter. The other objection raised by the opposer is that, for the sake of efficiency such permission should not be granted and when he was asked by one member what he meant by efficiency, I am sorry the

member could not define it properly so that we are unable to understand what he means by efficiency. Sir, under these circumstances and for the reasons stated in the Statement of Objects and Reasons by the mover of this Amendment Bill I very heartily support the Amendment Bill before the House.

MR. K. A. NARAYANA PILLAI (*Tholupuzha cum Devicolam*): I rise to support the amendment Bill brought forward by Mr. S. J. Nair and in supporting the Bill I have to submit that what was contained in the Laws Delays Commissioner's Report regarding the overcrowding of the Bar, says nothing regarding the promotion of second grade pleaders to the District Courts, and I do not see where he has prohibited the issue of such sannads. Regarding the over-crowding and the prevention of the same, as the Honourable member Mr. P. K, Narayana Pillai suggested, I have to submit that this over-crowding cannot be stopped unless and until some of the Law Colleges are stopped as the University is producing a number of Law Graduates every year and I am rather reluctant to say that second grade pleaders are being displaced by graduates-in-law in mofussil courts and I think within a few years the mofussil courts will be over-crowded. Now with regard to the general culture and level of learning which Mr. P. K. Narayana Pillai, referred to I have to say one word *i. e.* learning and culture are not the monoply of University degree-holders and that they depend upon many other attendant circumstances. Sir I may inform the house that the late Pandit Motilal Nehru was only an undergraduate. He had passed only the High Court test in law.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member is aware that the late Mr. Muthuswamy Aiyar was a second grade pleader?

DEPUTY PRESIDENT: The discussion need not take that course. With regard to the eminence of people like Messrs. Motilal and Muthuswamy Aiyar etc. no question arises. So far as I am able to follow the speeches of the members who oppose, they say that at present the people with higher degrees alone should be allowed.

No question arises at all with regard to eminent men like Sir T. Muthuswami Aiyar or Pandit Motilal Nehru. They are people of the past. The present question is whether, now, people who have not got degreess should be admitted to the High Court Bar.

MR. K. A. NARAYANA PILLAI (*Todupuzha cum Devicolam*): I am sorry, Sir, I was only citing an example as to what eminence one without a University degree could rise in the legal profession and in other attainments. I am not in possession of figures regarding the numbers of graduates-in-law and first and second grade pleaders practising in the subordinate courts, so that any comparison of their merits could b drawn now. So far as I know, Pandit Motilal Nehru was only an undergraduate. We all know the level of culture and education that he attained.

With these words, I support the principle of the Bill.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, I may be pardoned when I say that in respect of this debate I was sorry to notice genuine, justifiable assertiveness on one side and an unjustifiable inexplicable, restraint on the other. My friends who opposed the Bill, for some reason or other, did not think it fit to press the points that ought to be pressed.

DEPUTY PRESIDENT: I do not think you are in order when you say that. Probably, the points that commend themselves to you did not commend themselves to them. You seem to suggest that they deliberately withheld them.

MR. A. THANU PILLAI (*Trivandrum-Rural*): I am only expressing my opinion. That is why I submitted, Sir, that I might be pardoned for saying that.

Sir, we heard a good deal about some very eminent men who were not graduates or graduates-in-law, who never attended any college or Universtiy. We all know, Sir, that Shakespeare never attended any college or University. Valmiki was not a *sinaskrita vidwan*. Such instances are beside the point. There are some very eminent lawyers who are only second grade pleaders. They know their business quite well. I fully concede that. Even in the local courts there are some first grade pleaders who may successfully discharge the duties of the profession even if they are allowed to practise before the High Court. But, what is the question that is now before the House? Sir, we have accepted certain general principles and standards for the conduct of affairs, not only in courts, but in all our activities. There may be a clerk in the Division Cutcherry who is a more intelligent, a better-informed and an abler man than his superior the Peishkar, but without the qualifications prescribed for admission to the higher ranks of the service.

MR. K. A. NARAYANA PILLAI (*Thodupuzha* cum *Devicolam*): But, at some time or other, in the course of his career, cannot such capable clerk become a Peishkar or Assistant Peishkar?

MR. A. THANU PILLAI (*Trivandrum-Rural*): If the principle of the present Bill is accepted, certainly that clerk must be made Peishkar whether he has the qualification or not. Certain established standards have been accepted in such matters.

Unless there is sufficient justification, unless there is clear necessity, the accepted and established order of things should not be changed. In the present case, Sir, let us examine the question calmly and see if there is any such necessity or justification to make the change suggested in the Bill.

Sir, generally speaking, a man who has undergone a University course, who has come out successful in a University examination, should be considered better equipped than one who has not had such training, who has not passed such examination. There is absolutely no meaning in denying that Sir, one need not apologise for boldly asserting that position. We are now concerned with pleaders in the

[Mr. A. Thanu Pillai.]

subordinate courts, in general. We are not here to discuss the merits of particular individuals. We should not be obsessed by the fact that here and there we find exceptional cases of a Munsiff's Court vakil or a District Court vakil who is apparently a success in the profession, who may be successful even in the High Court Bar. We are not now concerned with such exceptional cases; we are now concerned with the generality of cases.

It was argued, Sir, that there are B. Ls. and L. L. Bs., undergoing training even under second grade pleaders. Now, the most eminent of Professors have once studied under primary class teachers. I do not see much force in that kind of argument. No doubt, to understand the preliminaries of the work, graduates-in-law may undergo training under pleaders.

MR. K. R. ELENKATH (*Kalkulam I*): Why should they go to pleaders for such training when there are eminent B. Ls.?

MR. A. THANU PILLAI (*Trivandrum-Rural*): To pick up a knowledge of the procedure in court, to study the peliminaries, some B. Ls., may undergo some training under pleaders. But, what about the generality of cases? Let us be frank, Sir. I am not at all here to disparage the ability or character or capacity of any of the successful pleaders in the subordinate courts.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Are we not concerned with laying down only general rules?

MR. A. THANU PILLAI (*Trivandrum—Rural*): That is just what I say? That is why I remarked at the outset that there was an unnecessary reserve on the part of those who opposed the Bill. I know I am not going to offened any of my pleader friends here or outside when I say, frankly, that we are here dealing with general rules in respect of a profession. We are not thereby going to disparage the few individual brilliant men among the pleaders.

DEPUTY PRESIDENT: I suppose you are not suggesting that the others, in whom you said you found some reserve, were not quite straight in their statements?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I do not say that at all, but, no doubt, I found some unnecessary reserve on their part.

MR. S. J. NAIR (*Nedumangad*): MayI ask whether, in the general interest of the profession, the pleaders should not be given encouragement and promotion?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Certainly; and each pleader will and does get the encouragement that he deserves.

MR. S. J. NAIR (*Nedumangad*): Then, is it not necessary that, after some time, Munsiff Court vakils are promoted as District Court vakils and District Court vakils are promoted as High Court vakils?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Not under existing conditions.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What is the promotion for the High Court vakils?

MR A THANU PILLAI (*Trivandrum—Rural*): They may be elevated to the Bench. (Mr S. J Nair. *Hear, hear.*)

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Is that a promotion?

MR. A. THANU PILLAI (*Trivandrum-Rural*): It is generally considered so.

DEPUTY PRESIDENT: I wish to make one suggestion Second grade pleaders had been appointed by the Legislative Council to serve on Select Committees on important Bills. I just want to put a question whether they had been able to do their duty equally as well as others (Mr. S. J. Nair. *Hear, hear.*)

MR. A. THANU PILLAI (*Trivandrum - Rural*): As for that, we put on the Select Committees, gentlemen and ladies who have absolutely nothing to do with law. I take it, Sir, that even lawyers are on Select Committees, not as lawyers, but as members of this House.

DEPUTY PRESIDENT: What I want to know is whether, according to the member's experience, second grade pleaders appointed as members of Select Committee, on Bills, were able to do their work satisfactorily.

MR. A THANU PILLAI (*Trivandrum—Rural*) I do not for a moment question their ability or equipment for their work.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I rise to a point of order, whether it is proper that a member should express an opinion on the work done by another member of a Select Committe simply because he is a Munsiff's Court vakil.

DEPUTY PRESIDENT: I really fail to appreciate the standpoint assumed by Mr Asan. Mr. Asan has had sufficient experience of deliberative assemblies to enable him to understand that, when the Chair puts a question to a member who is in possession of the House, no question arises on the point which he has now mentioned. Courtesy to the Chair (*Hear, hear.*) and respect for the diginity of the House require that Mr Asan will not pursue in such direction.

MR. A S. DAMODARAN ASAN (*Mavelikara*): On a point of personal explanation, Sir.

DEPUTY PRESIDENT: I have already given my ruling.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Not on that (*Order, order.*) May I just offer a personal explanation?

DEPUTY PRESIDENT: If Mr. Asan thinks he should make a personal explanation now the Chair will allow him.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): As far as my experience goes, as far as I have gone through the proceedings of other Legislative Assemblies, I have not been able to come across questions put from the Chair to the speakers.

DEPUTY PRESIDENT: I want Mr. Asan to tender an unconditional apology for this, for having said that he has not seen anywere in the world questions being put from the Chair. I want Mr. Asan, immediately to tender an unconditional apology to the House. Is he prepared to do it?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I am going to make this statement, in explanation, before that. I have stated a true thing. (*Order, order.*)

DEPUTY PRESIDENT: I am making this definite and clear that, for Mr. Asan to exercise any of the privileges of the members of this House, he must tender an unconditional apology to the Chair and to the House. Is he prepared? (Mr. P. K. Narayana Pillai. *Obey the Chair.*) Are you prepared? I am doing this in the exercise of my duties under law, with all good spirit. Mr. Asan may be assured of that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I have made that statement with the..............

DEPUTY PRESIDENT: Will you please apologise?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I withdraw.

DEPUTY PRESIDENT: I am very glad that a more difficult situation has been avoided.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): After withdrawing, may I submit this fact? I am asking the permission of the Chair; that is all.

DEPUTY PRESIDENT: For what?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): All that I have stated was only that I have not come across...........

DEPUTY PRESIDENT: Let us have a little give and take. Each man puts his view according to his best lights. But disciplinary rules have to be respected. I am very glad Mr Asan has apologised.

With regard to the offer of personal explanations the matter having been settled one way, let us not reopen that question.

Mr. Thanu Pillai may proceed.

I want to make one more very brief statement. Although the episode is past, I may say that the Chair was putting questions occasionally in order to regulate discussion by keeping the issues clear and endeavouring to supply to the House information on which the House may proceed. I can assure the House that it is done in the best interests of discussion (*Hear, hear.*) Nor does the Chair, the person who occupies the Chair, lose his rights as a member of the House. But, as far as possible, I have been using the authority only when I have felt that, if I did not exercise that right, the discussion would not be satisfactory.

The House adjourned at 5-1 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS

OF

THE TRAVANCORE SRI MULAM ASSEMBLY.

(*OFFICIAL REPORT.*)

FIRST ASSEMBLY.

FOURTH SESSION.

Saturday the 26th January 1935/13th Makaram 1110.

The Assembly met again in the Victoria Jubilee Town Hall at Eleven of the clock, with the President in the Chair.

South Travancore Christians in the Registration Department.

111. ✻ **MR. J. M. JOSEPH** (*Nominated*) : Will the Government be pleased to state :

(*a*) the number of South Travancore Christians in the Registration Department ;

(*b*) the number of Sub-Registrars from among the South Travancore Christian community : and

(*c*) whether there is any one in the Registration Department from this community who is qualified for promotion to the Sub-Registrar's grade ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) :

(*a*) 16.

(*b*) 2.

(*c*) Yes.

Peon-Volunteers in the Anchal Department.

112. ✻ **MR. K. MAHOMED** (*Alwaye*) : Will the Government be pleased to state :

(*a*) the number of V. S. L. C. and E. S. L. C. certificate holders appointed as peon-volunteers in the Anchal Department since the present Superintendent of Anchal assumed charge of that office up-to-date (29-3-1110) ;

(*b*) whether those peon-volunteers applied for clerk-volunteers' post ;

(*c*) if the answer to part (*b*) is in the affirmative, whether they were appointed as clerk-volunteers ;

(*d*) of such appointments, how many are Muslims ;

(*e*) whether there is any rule to realise securities from these volunteers ; and

(*f*) if so, the amount each candidate has to deposit as security ?

G. P. T. 1627.—350.

MR. T. C. THOMMEN (*Secretary to Government*):

(*a*) Nil

(*b*), (*c*) and (*d*) In view of the answer to part (*a*), these questions do not arise.

(*e*) Yes.

(*f*) Peon-volunteer—Rs. 50.
Clerk-volunteer—Rs. 150.

Muslims in the Vernacular Middle School at Edappalli.

113. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state:

(*a*) the number of Muslim students in the Vernacular Middle School (Primary and Middle School classes) for Boys at Edappalli, and

(*b*) whether an Arabic Munshi is appointed there?

MR. R. M. STATHAM (*Director of Public Instruction*):

(*a*) 10 in the Primary and 8 in the Middle School classes.

(*b*) No.

MR. K. MAHOMED (*Alwaye*): Was there any representation to appoint an Arabic Munshi?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, both in writing and in person.

MR. K. MAHOMED (*Alwaye*): May I know what action has been taken on it by the department?

MR. R. M. STATHAM (*Director of Public Instruction*): The present strength of the Mahommedan pupils in the school does not warrant the appointment of a Munshi.

MR. K. R. ELENKATH (*Kalkulam I*): For an Arabic Munshi to be appointed, may I know what should be the strength of the Mahommedan School?

MR. R. M. STATHAM (*Director of Public Instruction*): In a Primary School the strength should be 25 and in a Middle School 10.

Arabic Munshi in the St. Mary's English High School at Alwaye.

114. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state:

(*a*) whether there was any representation to appoint an Arabic Munshi in the St. Mary's English High School at Alwaye;

(*b*) if so, what action has been taken; and

(*c*) the number of Muslim students (Secondary classes and High School classes) in the said school?

MR. R. M. STATHAM (*Director of Public Instruction*):

(*a*) Yes.

(*b*) The manager of the school reported that he did not intend appointing an Arabic Munshi in the school as it would be very inconvenient for him to make the time-table arrangements including Arabic as a special subject.

(*c*) Middle School classes ... 24.
High School classes ... 5.

MR. K. MAHOMED (*Alwaye*): Is it not necessary for the encouragement of Muslim education that a provision should be made for the appointment of an Arabic Munshi ?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes.

MR. K. MAHOMED (*Alwaye*): If so, why did not the Education Department insist on the aided institutions to appoint an Arabic Munshi ?

MR. R. M. STATHAM (*Director of Public Instruction*): The Department cannot force the aided institutions to appoint Arabic Munshis.

MR. K. MAHOMED (*Alwaye*): Has the Director of Public Instruction referred the necessity of appointing Arabic Munshis to the managers of aided institutions ?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes. The department obviously cannot force the aided managements to provide for a particular type of language instruction and afford facilities for the same.

MR. K. MAHOMED (*Alwaye*): Then, may I know how could encouragement be given ?

MR. R. M. STATHAM (*Director of Public Instruction*) They are getting other language instructions. In this case no encouragement could be given in that particular school so far as a knowledge of Arabic is concerned.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*): Was there a demand from the public of Alwaye for the appointment of an Arabic Munshi ?

MR. R. M. STATHAM (*Director of Public Instruction*): Yes, there was a request first to the management and then to the Director.

MR. MAHOMED HANEEF (*Nominated*): May I know whether the Director accepted the report of the manager ?

MR. R. M. STATHAM (*Director of Pubiic Instruction*): I asked the manager whether he could see his way to instroduce Arabic instruction. He exaplined his position and said that he was not able to do so. As I suggested, such being the case, the department cannot force him.

MR. MAHOMED HANEEF (*Nominated*): May I know whether the Director will be pleased to refer the matter to the management once more ?

MR. R. M. STATHAM (*Director of Public Instruction*): I have no objection to ask the manager once again if that will satisfy the Honourable member.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Has it been the view of Government that the department is powerless in insisting upon the managers of aided schools to fall in line with the views of Government in regard to education ?

MR. R. M. STATHAM (*Director of Public Instruction*): The department cannot insist on the management to provide for all requirements in vernaculars such as the teaching of Malayalam, Tamil, Arabic, etc. So far as the general requirements of the department go, the Government or for that matter the department, can insist.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): What I wish to know is, can a manager of an aided school refuse to impart to students a particular kind of eduction ?

MR. R. M. STATHAM (*Director of Public Instruction*): If Arabic was a compulsory subject the management cannot refuse to provide for it. But there are also Mahommedan boys studying Malayalam.

Banking concerns in the State.

115. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state whether the Tahsildars of the respective places are asked to report to the Government about the running of Banks which are not registered?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The answer is in the negative.

MR. K. MAHOMED (*Alwaye*): May I know the reason why the report was not called for?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There was no necessity to call for a report.

MR. K. MAHOMED (*Alwaye*): Is not the company to be registered?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Under the Regulation all Companies having a membership of more than 10 have to be registered.

MR. K. MAHOMED (*Alwaye*): May I know the number of unregistered Banks?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I claim notice.

MR. K. MAHOMED (*Alwaye*): Do Government realise income-tax then?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Government realise income-tax from those from whom it is due.

MR. K. MAHOMED (*Alwaye*) May I know whether any income-tax is realised from the Gnanakrishnan Bank?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I can't say.

Complaints against the Inspector of Police at Kothamangalam.

116. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state whether representations are made against the high-handed measures of the present Inspector of police at Kothamangalam?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. MAHOMED (*Alwaye*): May I know the nature of the complaint made about the Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I think it is that he was taking sides against the Muslim community there.

MR. K. MAHOMED (*Alwaye*): May I know what action has been taken on the representation made against the Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The petition is under enquiry, and I cannot divulge information other than that.

MR. K. MAHOMED (*Alwaye*): May I know who is conducting the enquiry?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): The District Superintendent of Police, Kottayam.

MR. K. MAHOMED (*Alwaye*): Is it pending the orders of Government?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. M. MAHOMED HANEEF (*Nominated*): May I know from the member whether the Inspector is in the station?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He is not there.

MR. K. P. KRISHNA MENON (*Parur*): Where is the enquiry pending is it with the D. S. P. or Commissioner?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I believe the petition was sent to the D. S. P. as well as to the Commissioner.

MR. K. P. KRISHNA MENON (*Parur*): May I know, was not the report of the D. S. P. forwarded to the Commissioner?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. P. KRISHNA MENON (*Parur*): What action has been taken?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It is being considered.

MR. K. R. ELENKATH (*Kalkulam I*): May I know the date on which the petition was sent?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Some months ago.

Encroachment on the Vattavadalivilai branch road.

117. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to state:

(*a*) whether they have received petitions from the villagers of Vattavadalivilai, Agastisvaram taluk, as to the removal of encroachment on the approach road to their village branching out from the Cape road near the Desabandhu Hospital, and

(*b*) if so, whether they have taken any action?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) On enquiry, it was found that the alleged encroachment formed part of the adjoining registered land.

Udayanapuram V. P. School.

118. ***MR. V. K. VELAPPAN NAIR** (*Vaikam*): Will the Government be pleased to state the strength of the Udayanapuram Vernacular Primary School?

MR. R. M. STATHAM (*Director of Public Instruction*): 377 (at the end of Karkatakam 1109).

MR. V. K. VELAPPAN NAIR (*Vaikam*): May I know what the strength of the school is and whether the accommodation is sufficient?

MR. R. M. STATHAM (*Director of Public Instruction*): There is accommodation for 375 and the total number of pupils is 377.

MR. V. K. VELAPPAN NAIR (*Vaikam*): Does the member know about the present condition of the school building?

MR. R. M. STATHAM (*Director of Public Instruction*): I know it is in need of repair.

Jenmikaram Settlement Cases.

119. ***MR. P. C. NARAYANAN BHATTATIRIPAD** (*Travancore Jenmies, South*): Will the Government be pleased to state:

(*a*) the number of Jenmikaram Settlement Cases filed till now (26-3-1110);

(*b*) the number of cases decided till now (26-3-1110) by the Jenmikaram Settlement Officers; and

(*c*) the number of cases pending disposal before the Jenmikaram Settlement Officers?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) 2,29,794.

(*b*) 1,31,773.

(*c*) 98,021.

Recovery of Jenmikaram on settled lands.

120. ***MR. P. C. NARAYANAN BHATTATIRIPAD** (*Travancore Jenmies, South*): Will the Government be pleased to state:

(*a*) whether they are aware that jenmies have put in applications before Taluk Officers regarding the recovery of Jenmikaram on lands, which have already been settled; and

(*b*) whether they are aware that no decision has as yet been made for the recovery of jenmikaram in accordance with such applications?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes. (The applications are pending the recommendations of the Commutation Committees regarding commutation rates.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): ജന്മിക്കരം പണംമാത്രമായിട്ടുള്ള വസ്തുക്കളുടെ ജന്മിക്കരം ഈടാക്കുന്നതിനെ സംബന്ധിച്ച ഒരു തീരുമാനംചെയ്യുന്നതിനു സൌകര്യമുണ്ടോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): പണംമാത്രമായിട്ടുള്ള വസ്തുക്കളുടെ കാര്യം തീർച്ചചെയ്യുന്നതിനു വിരോധമില്ല.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*). പണംമാത്രം കരമായിട്ടുള്ള വസ്തുക്കളുടെ കാര്യത്തെ സംബന്ധിച്ചാണ് ജന്മിമാർ അപേക്ഷകൊടുത്തിട്ടുള്ളതെന്നു ഗവൺമെൻറിനു അറിയാമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): അറിയാൻപാടില്ല.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : പണം മാത്രം ജന്മിക്കരമായുള്ള വസ്തുക്കളുടെ കരം ഈടാക്കിക്കൊടുക്കുന്നതിന് എന്തെങ്കിലും വ്യവസ്ഥചെയ്തിട്ടുണ്ടോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Sectetary to Gov rnment*) : ജന്മിക്കരം പണംമാത്രമായുള്ള വസ്തുക്കളെ സംബന്ധിച്ചിടത്തോളം ഒരു തീരുമാനംചെയ്യുന്നതിനു വിരോധമില്ല എന്ന് ആദ്യമെതന്നെ പറഞ്ഞു. അതിനെപ്പററി അന്വേഷിക്കാം.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*): കമ്മ്യൂട്ടേഷൻ റേററ് എത്രയാണെന്ന് അറിയണമെന്നുള്ളതാണൊ അതിനു തടസ്സമായി നില്ക്കുന്ന പ്രധാന കാരണം?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : അതെ.

MR. T. S. JAYANTAN NAMBOOTIRI (*Travancore Jenmies, North*); അതുമാത്രമാണു പ്രധാന കാരണമെങ്കിൽ ജന്മിക്കരം പണംമാത്രമായുള്ള കേസുകൾ തീർച്ചചെയ്യുന്നതിനു ഉത്തരവു കൊടുക്കരുതൊ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : അങ്ങിനെയുള്ള കേസുകളെ സംബന്ധിച്ചു അന്വേഷിക്കുന്നതിന് ഉത്തരവു കൊടുക്കാമെന്നു പറഞ്ഞതു് അതുകൊണ്ടാണ്.

The Special School Kulakkada.

121. ***MR. P. C. NARAYANAN BHATTATIRIPAD** (*Travancore Jenmies, South*) : Will the Government be pleased to state :

(*a*) whether they have, as stated in the reply to representation No. 144 at the 27th session of the Sri Mulam Popular Assembly, called for the report regarding the Special School, Kulakkada ; and

(*b*) whether they have taken any action on the said report if so what ?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) Yes by the Director of Public Instruction.

(*b*) Estimates were sanctioned for such special repairs as provision of ceiling, flooring of the school hall, construction of a latrine and improvements to the kitchen room. Items which require additional expenditure should wait till finances improve.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): ഈ അടങ്കൽ എന്നാണു കൊടുത്തിട്ടുള്ളതെന്നു പറയാമോ?

MR. R M. STATHAM (*Director of Public Instruction*) : In 1931.

MR. P. C. NARAYANAN BHATTATIRIPAD (*Travancore Jenmies, South*): ഇത്രയും കാലതാമസം വരുന്നതിനുള്ള കാരണം എന്തെന്നു ദയവുചെയ്തു പറയാമോ?

MR. R. M. STATHAM (*Director of Public Instruction*) : I do not think it was delayed so long. I think the question came up in the years 1931 and 1932 and as a result estimates were sanctioned and the work carried out.

Appointment of Police Inspectors.

122. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state :

(*a*) whether, in making appointments of Police Inspectors, Head Constables are promoted to such places;

(*b*) if the answer to part (*a*) is in the affirmative, the percentage of vacancies filled by such promotion :

(*c*) if the answer to part (*a*) is in the affirmative, whether it is the seniority in service as Head Constables, or their efficiency by meritorious service, or their academical qualification that is taken into consideration in giving such promotion ; and

(*d*) whether the claims of the Head Constables in the general police force, C. I. D., and Traffic Sections are considered in giving such promotions ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) :

(*a*) Yes.

(*b*) 25 per cent.

(*c*) Seniority, efficiency, academical qualifications, conduct and character are all taken into consideration.

(*d*) Yes : as far as possible.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know are Head Constables of the second grade promoted as Police Inspectors ?

RAO BAHADUR N. RAMAHUJA AIYANGAR (*Commissioner of Police*) : Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : May I know, are not Head Constables of the first grade more efficient than the Second grade ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : It is a matter of opinion.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) ; May I know whether the question of efficiency is taken into consideration when promotion to the first grade is made ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : Different cadres require different qualities. One kind of qualification is needed for Inspectors, another set for A. S. Ps. and so on.

PRESIDENT : Different degrees of efficiency are required.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) ; What are the additional qualifications required for a Police Inspector and for a Head Constable?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) ; It is a sort of graduated administrative capacity that is required.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Are not these considerations taken into account when promotion to the first grade constable is made ?

PRESIDENT : The official member has already answered that the degree of efficiency varies from grade to grade.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the present Inspector of Perumbavoor was a second grade Head Constable when he was appointed as Inspector ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): At present I do not know who the Inspectors are.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether it was the present Commissioner who appointed the present Inspector of Perumbavoor?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): It is very difficult to remember which Inspector is where.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know, is the Commissioner aware that there is one Mr. Rama Rao who is acting as Police Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he was a second grade Head Constable before he was promoted as Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He was acting as an Inspector and may have been a second grade Head Constable prior to that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Commissioner has considered the claims of all first grade Head Constables when a second grade Head Constable was promoted to the position of Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I have already said that promotion depends upon the actual exigencies. At times a second grade Head Constable may have to be immediately put into the place of the first grade not exactly overlooking the claims of seniors. But it all depends upon how you interpret the word 'overlook'. As a matter of fact his claims may not be overlooked, and temporarily at the exigencies of service certain people may have to be overlooked.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member is aware that there is now acting as Inspector one Mr. Rama Rao?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Yes.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether he was not a second grade Head Constable before he was promoted as an acting Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): He may have been a second grade Head Constable.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the Commissioner of Police considers the claims of first grade Head Constables when the second grade Head Constable was promoted as Inspector?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): Sir, I have answered that question seven times on the floor of this House. Promotion depends upon merit and service. A second grade Head Constable may be more fitted to an Inspector's place than a first

grade one. So, when the second grade Head Constable is promoted it is not actually by overlooking the claims of the first grade Head Constable. The first grade Head Constable also can become Inspector if he proves that he is fit for the post.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : A point for consideration Sir. I do not want the general policy. I want to know whether in this particular case of appointing a second grade Head Constable, the Commissioner overlooked the claims of first grade Head Constable.

PRESIDENT : In a word, whether the claims of the first grade Head Constable also were considered.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Yes, Sir. That is what I mean.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): A point of order, Sir. Does that question arise at all in the case of specific men and their promotion ?

PRESIDENT : This is the first time Mr. Aiyangar, that you raise such a point of order after having had so much experience. The member wants information about a particular appointment you made and it is quite legitimate for him to ask such a question in view of the fact that whenever acting promotions are made they are made both from the second grade and the first grade Constables. Of course you use your own discretion.

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): I do what is best to be done.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know what were the reasons which weighed with him to over-look the claims of the first grade Head Constables ?

PRESIDENT : I don't think that it will be to the interest of the man concerned if questions regarding inefficiency are answered on the floor of this House, and I don't expect the Commissioner to say that A was bad, C was corrupt and so on. It is in the interest of the service itself that no such questions should be asked.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know, what was the special qualification of Mr. Rama Rao to choose him in preference to all the first grade Head Constables ?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) : That is assuming a proposition, Sir. I have not said anywhere that he has been promoted over all the first grade Head Constables. It is an hypothetical question. I don't say that the assumption is wrong but there is nothing to assume.

Resident Medical Officer, General Hospital.

123. ***MR. V. T. CHACKO** (*Muvattupuzha I*) : Will the Government be pleased to state :

(*a*) whether the Resident Medical Officer of the General Hospital is allowed to have any private practice :

(*b*) whether he is in charge of the stock-room of the out-patients' department ;

(*c*) whether the present Darbar Physician has taken the R. M. O. outside Trivandrum when he went on inspection duty and, if so, who was attending to the duties of the R. M. O. during his absence; and

(*d*) whether any T. A. or daily allowance was given to the R. M. O. while he was outside Trivandrum?

MR. JAMES SIMPSON (*Darbar Physician*): (*a*) He is not forbidden from having private practice.

(*b*) There is no stock-room in the General Hospital specially for the out-patient department. There is a stock-room for the whole Hospital and the Resident Medical Officer is in charge of it subject to the control and supervision of the officer in charge.

(*c*) No: not when the Darbar Physician went on inspection duty. He took the R. M. O. with him once in December 1933 when he went to Vanchithara to enquire about the outbreak of an epidemic of dysentery, and to Mavelikara on another occasion to examine the mental condition of a patient of the local hospital. Assistant Surgeon Mr. V. R. Narayanan Nair was attending to the duties of the R. M. O. during the absence of the latter.

(*d*) Daily allowance in the first case and none in the other case.

MR. V. T CHACKO (*Muvattupuzha I*): May I know the period during which the R. M. O. is not expected in the General Hospital?

MR. JAMES SIMPSON (*Darbar Physician*): The time before was 5 to 7. Now it is 11 to 5.

MR. V. T. CHACKO (*Muvattupuzha I*): May I know the reason for this change?

MR. JAMES SIMPSON (*Darbar Physician*): Not heard.

MR. V. T. CHACKO (*Muvattupuzha I*); I want to know the reason for the change.

MR. JAMES SIMPSON (*Darbar Physician*): As I have already stated, the Resident Medical Officer can now be away from the hospital between 5 and 8. One cannot have a person on duty twenty-four hours a day, and three hours off a day is not too much.

MR. V. T. CHACKO (*Muvattupuzha I*): What is the reason, please? I want the reason for the change.

MR. JAMES SIMPSON (*Darbar Physician*): It has already been given.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether there is any special reason for giving daily allowance to the R. M. O.?

MR. JAMES SIMPSON (*Darbar Physician*): The Resident Medical Officer either gets travelling allowance or a daily allowance as do all Government servants.

MR. K. R. ELENKATH (*Kalkulam I*): In case the R. M. O. is not forbidden to have private practice why should he be allowed daily allowance?

MR. JAMES SIMPSON (*Darar Physician*): He does not get the daily allowance if he is travelling.

MR K. R. ELENKATH (*Kalkulam I*): May I know whether it is one of the functions of the R. M. O. to go out of the General Hospital to attend patients?

MR. JAMES SIMPSON (*Darbar Physician*); I think the matter is entirely left to the discretion of the Darbar Physician.

The London Mission Community and the Registration Department.

124. ***MISS HEPZIBAH GNANASIKAMONY** (*Nominated*): Will the Government be pleased to state the number of men and women, from the London Mission Community, employed as Head Clerks in the Registration Department at present (15-11-1934)?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): None.

MISS. HEPZIBAH GNANASIKAMONY (*Nominated*): May I know whether there were any applications for the head clerkship from the members of the London Mission Community?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Government have not received any application. I do not know whether the Director has.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): What does the member understand by the term London Mission Community in South Travancore?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That means the London Mission Christians. In South Travancore there are, besides the London Mission Christians, Protestants, Catholics and Christians of other denominations.

MR. N. JOHN JOSEPH (*Nominated*): ലണ്ടൻമിഷൻ സഭയിൽ ഉൾപ്പെട്ടവരെ ഒരു സമുദായക്കാർ എന്നു പറയുന്നതു് എങ്ങിനെയാണു്?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): ഇപ്പോൾ ഗവൺമെൻറു സ്വീകരിച്ചിരിക്കുന്ന പദ്ധതി അനുസരിച്ചു ലണ്ടൻമിഷൻ ക്രിസ്ത്യാനികളെ ഒരു പ്രത്യേകസമുദായമായിട്ടാണു പരിഗണിച്ചുവരുന്നതു്.

MR. N. JOHN JOSEPH (*Nominated*): ലണ്ടൻമിഷൻ സഭയിൽ ചേർന്നിരിക്കുന്ന ആളുകൾ പല സമുദായങ്ങളിലും ഉൾപ്പെട്ടവരാണെന്നും ഹിന്ദുക്കളുടെയിടയിലുള്ളതുപോലുള്ള ജാതിവ്യത്യാസം ഈ സഭയിൽ ചേർന്നിട്ടുള്ള ആളുകളുടെയിടയിൽ ഉണ്ടെന്നുമുള്ള പരമാർത്ഥം ഗവൺമെൻറിനറിയാമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): ഒരു സമുദായമെന്നു വച്ചാൽ അതിൻെറ അർത്ഥമെന്താണെന്നുകൂടി ഇവി

ടെ ആലോചിക്കേണ്ടിയിരിക്കുന്നു. ലണ്ടൻ മിഷൻ ക്രിസ്ത്യൻസിനെ ഒരു സമുദായമായിട്ടാണ് ഇപ്പോൾ ഗണിച്ചുവരുന്നത്.

MR. N. JOHN JOSEPH (*Nominated*): സെൻസസ് റിപ്പോർട്ടിൽ എങ്ങിനെ ചേർത്തിരിക്കുന്നു എന്നു പറയാമോ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): സെൻസസ് റിപ്പോർട്ടിൽ ലണ്ടൻമിഷൻ എന്നൊരു കൂട്ടരെ പ്രത്യേകം കാണിച്ചിട്ടുണ്ട്.

MR. N. JOHN JOSEPH (*Nominated*): ലണ്ടൻമിഷൻ ക്രിസ്ത്യാനികളെ പ്രത്യേകം ഒരു സമുദായക്കാരായിട്ടാണോ സെൻസസ് റിപ്പോർട്ടിൽ കാണിച്ചിരിക്കുന്നത്?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): ഒരു സമുദായമെന്നു പറയുന്നതിൽ മെമ്പർ ഉദ്ദേശിക്കുന്ന അർത്ഥംകൂടി നോക്കേണ്ടതാണ്.

MR. N. JOHN JOSEPH (*Vominated*): സംയക്കാകുംവണ്ണം മിശ്രഭോജനവും മിശ്രവിവാഹവുംചെയ്തു യാതൊരു വ്യത്യാസവുംകൂടാതെ ജീവിക്കുന്ന ജനസംഘം എന്നാണു ഞാൻ അതിനു കല്പിക്കുന്ന അർത്ഥം. ഇതിനു വ്യത്യാസമായി ജീവിക്കുന്നവരെ ഒരു സമുദായമെന്നു പറയാമോ?

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*): ലണ്ടൻമിഷൻ ക്രിസ്ത്യാനികളുടെയിടയിൽ മിശ്രഭോജനവും മിശ്രവിവാഹവും ഒരു സമുദായമെന്ന നിലയിൽ നടന്നുവരുന്നു എന്നാണ് അറിയുന്നത്.

Purchase of Medicines.

125. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state the amounts that were spent for purchasing medicines from outside the State for the use of the Medical Department in the State in the years 1107, 1108 and 1109 M. E.?

MR. JAMES SIMPSON (*Darbar Physician*): The amounts spent were :—

		Rs.
1107	...	1,93,140
1108	...	1,23,433
1109	...	2,11,406

MR. S. J. NAIR (*Nedumangad*): May I know whether any medicine can be prepared in Travancore?

MR. JAMES SIMPSON (*Darbar Physician*): Large quantities of medicine are being manufactured in the store itself.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether any medicine can be prepared in the laboratory attached to the local Science College?

MR. JAMES SIMPSON (*Darbar Physician*): I do not know. But they can be manufactured in the tincture factory attached to the General Medical Stores.

MR. S. J. NAIR (*Nedumangad*): May I know whether any salt can be prepared in the General Stores?

MR. JAMES SIMPSON (*Darbar Physician*): Salt is not manufactured in the General Medical Stores.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara I*): May I know from the member the names of the places or business firms from where these medicines are got down?

MR. JAMES SIMPSON (*Darbar Physician*): During the years 1106, 1107 and 1108 more of the medicines were got down from the Bengal Chemical Works, Calcutta.

Amendments to Standing Orders of the Sri Mulam Assembly.

126. * **MR. A. S. DAMODARAN ASAN** (*Mavelikara*): Will the Government be pleased to state the reason for not bringing into effect till now the amendments to Standing Orders of the Sri Mulam Assembly passed in the Assembly on the 15th Edavam 1109?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Dewan's consent to the amendments had to be obtained under section 26 of the Legislative Reforms Regulation and a notification embodying the amendments consented to by the Dewan had to be published in the Gazette. The notification was published in the Gazette dated the 13th November 1934.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from Government what has happened to the amendment that was not published in the notification referred to in the answer?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): That amendment was not accepted by the Dewan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it still under the consideration of the Dewan or has the Dewan refused to consent to the amendment?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): Consent has been refused.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is there any reason given for refusing consent?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The Dewan thought it would not be in the interest of the Government or of the Assembly to give assent to that amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether there were any other reasons?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): There is no other reason than what has already been mentioned.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether the member who was responsible for the introduction of this amendment was given to understand all these things?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

Funds for Agricultural Loans.

127. *MR. S. J. NAIR (*Nedumangad*): Will the Government be pleased to state how many applications for agricultural loans were disallowed, in the years 1106 to 1109, for absence of fund, from the Nedumangad Taluk Cutcherry and Trivandrum Division Cutcherry?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No application for agricultural loan was rejected from these offices in the years 1106 to 1109 for want of budget allotment.

Protection of cocoanut industry.

128. *MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Will the Government be pleased to state:

(*a*) whether they have pressed on the British Indian Government the necessity for protecting cocoanut cultivation in Travancore; and

(*b*) whether they are aware that the people of Travancore have to bear heavy burdens owing to import duties to protect the cotton, iron, sugar and other industries of British India?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) Yes.

(*b*) Yes.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from Government the result of their correspondence with the Government of India?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The matter has been referred to the Imperial Council of Agricultural Research. They appointed a sub-committee which met a few days ago and the resolutions which that committee passed on this matter have been sent to the Government of India.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): May I know from Government whether a final decision has been reached by the Government of India?

PRESIDENT: It has been already stated that the matter is under consideration by the Government of India.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): With reference to his answer to part (b) of the question, may I know whether they have impressed upon the British Government and the Imperial Government that a reduction of import duty is essential?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): We have made representations to Government on the point as strongly as we could.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from Government whether there will be a further reduction of import duty as a result of that representation?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): We addressed the Government of India on the matter not once but several times.

PRESIDENT : Rather made representations to the Government of India.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : May I know whether the Government have addressed the Government of India with regard to the advisability of deferring the consideration of the new tariff on cocoanuts till the report of the sub-committee of the Imperial Council of Agricultural Research was received ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : When this Government knew that the Government of India were going to reduce the tariff from the 1st January 1935, they again made representations to the Government of India pointing out that it would be detrimental to the cocoanut cultivators of Travancore to reduce the tariff. But, I may also say that the Government of India reduced the tariff not because they did not want to consider our representation but because of their accepted policy to revise the tariffs on the basis of the prices of commodities during the previous year. The recent reduction does not mean that the Government of India will not consider our request. But they will not do anything by way of increasing the tariffs unless and until they change their present policy and it is for a change in this policy that we have made representations to the Government of India. When this Government knew towards the end of 1934 that the Government of India were going to reduce the tariff value from the 1st of January 1935, they again made a representation to the Government of India protesting against the reduction. I may say again that the Government of India reduced the tariff not because they did not want to consider our request but because of their accepted policy in fixing the tariffs. At the beginning of every year the tarift values of commodities will be revised on the basis of the prices which prevailed during the previous year.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know from the member whether when the whole matter was under the consideration of the Agricultural Research Committee, this Government addressed the Government of India requesting them to defer the consideration of the tariff till the committee's report was received ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes, we did so. But the Government of India will not defer consideration unless and until they revise their present policy of revising the tariff value. We made the necessary representations to the Government of India and the matter is now under their consideration.

Protection of cocoanut industry.

129. ***MR. M. K. MADHAVAN PILLAI** (*Karunagapalli*) : Will the Government be pleased to state whether they have pressed on the British Indian Government the necessity for adequately protecting cocoanut cultivation in Travancore ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : Yes.

Supply of rubber to the Chakkai Rubber Factory.

130 *MR. K. P. KRISHNA MENOM (*Parur*): Will the Government be pleased to state:

(*a*) how many tenders were received in response to the notice calling of tenders for the supply of rubber to the Chakkai Rubber Factory at Trivandrum;

(*b*) how many were accepted and the rates quoted in each case for pale crepe and smoked sheets;

(*c*) whether higher rates were accepted when lower rates were quoted; and

(*d*) if so, the reasons for the same?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*);

(*a*) Sixteen.

(*b*) Five tenders were accepted.

The rates quoted are:

(1) Pale crepe (sheets) 4½ as per lb.

(2) Smoked sheet 3½ as per lb.
Pale crep (crepes) 2½ as per lb.

(3) Smoked sheet 6 chs.

(4) „ 6 chs. 3 cash.

(5) „ 6 chs. 4 cash.

(*c*) Yes.

(*d*) Because the quality was superior.

MR. K. P. KRISHNA MENON (*Parur*); May I know from the member whether the quality accepted was superior?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Yes, Sir.

MR. K. P. KRISHNA MENON (*Parur*): May I know from the member why different rates were quoted?

MR. N. K. PADMANABHA PILLLI (*Director of Industries*): Some of the tenderers quoted only for certain quantity as they were not able to supply more. So I had to accept a higher rate for the remaining quantity.

Industrial Loans.

131. *MR. T. KRISHNA PILLAI (*Neyyattinkara II*); Will the Government be pleased to state:

(*a*) the classes of industries that have been recognisgd as eligible for industrial loans;

(*b*) the industries in respect of which loans have been actually granted during the year 1109: and

(*c*) the amount granted to each class of industries?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*);

(*a*) Cottage and other minor industries.

(*b*) Two for workshop, one for oil-mill, one for ivory art works and one for a soap factory.

		Rs.
(*c*)	Workshop	3,175
	Oil-mill	2,500
	Ivory Art Works	600
	Soap factory	350

MR. T. KRISHNA PILLAI *(Neyyattinkara II)*: May I know the total amount allotted for industrial loans during last year ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: Rs. 50,000

MR. T. KRISHNA PILLAI *(Neyyattinkara II)*: May I know the reason why the whole amount was not distributed ? Is it due to the lack of applicants ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: The properties given as securities were encumbered and so we were not able to distribute the whole amount.

MR. T. KRISHNA PILLAI *(Neyyattinkara II)*: May I know whether oil-mill comes under the category of cottage industries ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: We have given some loans even for major industries. The loan was given to oil. mills also because we were allowed to recommend for loans above Rs. 2,500 for mill industries from the amount of Rs. 50,000.

MR. T. KRISHNA PILLAI *(Neyyattinkara II)*: May I know the nature of the arrangements that exist at present to ascertain whether these industrial loans are actually spent for the purpose for which they are given ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: Government have appointed an auditor for the purpose. He goes round and finds out whether they have been used for the same purpose for which they were granted. Very often I also visit these institutions.

MR. T. KRISHNA PILLAI *(Neyyattinkara II)*: May I know from the member whether the loans granted were withdrawn as a result of these inspections ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*; The loans cannot be withdrawn when once disbursed. When we find that we want to recover the loans, generally we take steps under the Revenue Recovery Regulation and recoup the amount.

MR. EDAVANATT S. PADMANABHA MENON *(Shertala I)*: May I know from the member whether there is an yearly increase of those persons who avail themselves of industrial loans ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: Yes.

MR. K. R. ELENKATH *(Kalkulam I)*: May I know from the member whether the loans granted were in proportion to the investments of the proprietors ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: Sometimes Government issue loans even for starting industries so that there may be cases in which there may be no capital to start with.

MR. K. R. ELENKATH *(Kalkulam I)*: May I know whether there is any specific condition on which these loans are granted ?

MR. N. K. PADMANABHA PILLAI *(Director of Industries)*: It is governed by rules.

MR. N. ABDUR RAHIMAN SAHIB *(Nominated)*: May I know whether these sums were given in one lump or by instalments ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): In one lump.

Labour Strikes.

132. ***MR. K. M. KRISHNAN** (*Ambalapuzha I*): Will the Government be pleased to state:

(*a*) whether they are aware of the frequent labour strikes that take place in the various coir factories at Alleppey and in other factories in the State; and

(*b*) if so, whether they have taken any and what steps to prevent such unpleasant incidents?

MR. T. C. THOMMEN (*Secretary to Government*): The member is referred to the answer furnished to interpellation No. 320 asked by Mr. K. Kunjukrishna Pillai published in the proceedings ofthe Assembly, dated the 28th May 1934.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member whether they are now considering any scheme of labour legislation, whether they have in hand any measure of labour legislation?

MR. T. C. THOMMEN (*Secretary to Government*): None.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know the reasou?

MR. T. C. THOMMEN (*Secretary to Government*): The need is not felt.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know from the member whether the Government are aware that some kind of labour legislation will remedy the constant labour strikes?

PRESIDENT: It is a matter of opinion.

Productive Industries.

133. ***MR. M. K. MADHAVAN PILLAI** (*Karunagapalli*): Will the Government be pleased to state what steps they propose to take for encouraging and increasing productive industries in the State?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): The opening of a Rubber Factory at Trivandrum has been sanctioned. The buildings for the factory are nearing completion and the required machinery has been ordered for, and it is expected that the factory will commence work from March next. A Government Trade Agent has been appointed to find out markets for the Travancore products. A scheme for starting a China clay refining factory and another for the establishment of a porcelain factory in the State are under the consideration of Government. It is arranged to conduct a survey of cottage industries in the State and the Director of Industries has been asked to submit a detailed scheme for the same. With the completion of the Pallivasal Hydro-Electro Scheme, when cheap electric power will be available, several other industries will crop up.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): With regard to the sentence occuring in the reply "A Government Trade Agent has been

[Mr. E. V. Krishna Pillai]

appointed to find out markets for the Travancore products", will the Government be pleased to state the qualifications of the imcumbent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He is a business man. The incumbent is a qualified Trade Agent and he was in charge of certain industrial concerns in Bombay and he is an M. A.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know what was the industry he was in charge of?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Cotton trade.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know whether this place was advertised before this gentleman was appointed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know why the Government did not deem it necessary to advertise the place before somebody was appointed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I claim notice.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member the grounds on which Government came to the conclusion that this individual was the proper man to be appointed as our Trade Agent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): On account of his previous experience in business.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the Government be pleased to give the House a summary of the experiences that Government thought he had when they appointed him?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He was with a firm of colour merchants and afterwards he was in charge of the cotton trade.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether Government took the trouble of referring to the firm just now mentioned with regard to the experiences of this man?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Government had sufficient information about his experience.

MR. E. V. KRISHNA PILKAI (*Pattanamtitta*): May I know the source from which the Government gathered information about this man?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): From his application; and we found out that his statements in the application were correct.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Can it be taken by the House that Government did not make any enquiry beyond accepting what was found in his application?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Coming to the other part of his work, can the member give us any idea as to what this particular Trade Agent has done in finding out markets for the Travancore products and whether he puts himself in communication with any merchants in Travancore?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Does that question arise here, Sir.? There is another interpellation with regard to the working of the Trade Agent.

PRESIDENT: The question is whether the Trade Agent has do anything to improve the trade conditions of the country by putting himself in communication with the merchants and getting orders.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Yes, Sir.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the Government be pleased to state the names of at least 3 merchants with whom he put himself in communication?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Messrs. Anderson, Co. of Quilon, the Alleppey Co./Ltd., and Sri Krishna Vilasom Coir Works of Paravoor.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether he is authorised to put himself under contract or is he doing it with the sanction of Government?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He is authorised to enter into contracts.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Will the member be pleased to state whether he has been able to find out any market for any of the Travancore products since he was appointed and, if so, the name of the products and the markets?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He has reported that he has found out a market for the cashew-nuts and the coir mats and mattings and some other articles like ivory and other things. He is also trying to introduce pepper and other articles in Calcutta and other places.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Was the Government satisfied with his report that it served any purpose either to the Travancore Government or any Travancore merchant in augmenting the prevalence of these articles mentioned by the member since he is appointed?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Mr. Anderson was able to sell cashew-nut through the Trade Agent.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Do the Government know that Mr. Anderson, even years before that, was conducting business with American firms? Can the Government give out any advantage gained to Travancoreans by putting themselves in communication with him?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Mr. Anderson was finding out markets for cashew-nuts only in America. But the Trade Agent was able to introduce it in India.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether the Trade Agent was able to find out any markets for our products in India and if so the date of the communication for such an order?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): The Trade Agent has reported to me that he is trying to find out a market for cashew-nut in Bombay.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): The answer is not clear. The real thing I want to know is whether Mr. Anderson has reported to the member or to the Government that he was able to make any greater gain out of the transactions newly discovered.

PRESIDENT: The misfortune in this case is that your questions are rather lengthy and therefore the member giving the answer catches one or two words here and there. If you want clear and explicit answers you will do well to put small and clear questions.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Can the member give the House the name of any Travancore merchant who has assured the Government, or for that matter the member, that he has been able to make some gain out of the business carried through this man?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): That includes the name of Mr. Anderson.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I am sorry; any Travancoreans?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Mr. Sridharan of Paravoor of Sri Krishna Vilasam Coir Works.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Then, is the member basing his information upon any written records supplied by Mr Sridharan?

PRESIDENT: How can Government know that?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): He gets reports from the Trade Agent—

PRESIDENT: You mean, on the strength of the report of the Trade Agent?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Yes, Sir. Then may I know.........

PRESIDENT: No more questions. You have already had a number of questions. I shall have to stop any further questions.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): One more question, Sir.

PRESIDENT: Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Has it come to the notice of Government that there is a prevalent complaint amongst the merchants that the articles sent to this Trade Agent are unaccepted by the Trade Agent and that many of them have been returned?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I have received one or two complaints from merchants and I have asked for his explanation and am awaiting the same.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know when was that complaint received and when was he asked to submit his explanation?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): That was about 3 weeks back.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know from the member what has the agency to do with the Development Department in the matter of finding markets for Travancore produce?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No special agency is established. Whenever the Trade Agent wants any help from any of the Development Departments he writes here and we give whatever help we could.

PRESIDENT: What he means is, with whom did he directly correspond?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): With the Director of Industries.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether Government have directed the Trade Agent to make a report of the work done by him to Government and have they received, so far, any report from the Trade Agent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): Yes, Sir; one or two reports have been received.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Will the member be pleased to give me the date when such a report was received?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I have not got the files before me to give the exact date.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): May I know whether Government have given to the Trade Agent special directions regarding the work he has to do in Bombay?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No special directions were given except that he should find markets for the Travancore produce in Bombay.

MR. M. SIVATANU PILLAI (*Tovala*): With regard to the finding out of markets for our Travancore products, may I know from the member, whether our Trade Agent has discovered America? (*Laughter.*)

PRESIDENT: You know how to discover America.

MR. M. SIVATANU PILLAI (*Tovala*): The member answered that the Trade Agent in the course of discovering markets for our produce has discovered America as a market for our articles. I say that cashew-nuts are being largely exported to America and therefore it was that I asked whether the Trade Agent has discovered America as a market.

MR. N. K. PADMANABHA PILLAI (*Directr of Industries*): He is our Trade Agent in India.

PRESIDENT: The horizon does not extend up to America; he is Trade Agent in India.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from Government whether they will be pleased to lay on the table a report of the work done by the Trade Agent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): The report, Sir, is confidential.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Am I to understand that, whether the happy fact of finding new markets for the various articles brought and sold is a mather of strict confidence and one that should not be divulged to this House?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I stated, only the report is confidential and not the articles actually bought or sold.

MR. K. KUNJKRISHNA PILLAI (*Quilon I*): May I know the contents of the report, Sir? I should like to get some information on that and see that the report is placed before the House.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether Government have instructed the Trade Agent to send up periodical reports?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No special instructions have been given to him like that. He sends the report once in two or three months.

MR. A. THANU PILLAI (*Trivandrum—Rural*): When did he send up the last report? What is the date of the last report which the member has received?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): I have not got the actual date before me now, Sir.

PRESIDENT: Refer to your memory and say how long it is since you have received the report.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): About two or three months back.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Now, is the Director aware of the whareabouts of the Trade Agent?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): He is now in Bombay.

PRESIDENT: Not only in Bombay, but he is moving about everywhere.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Is there any proposal to send him to Calcutta?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): No proposal to send him to Calcutta; but for finding markets for the products of Travancore he is expected to visit various places in North India including Calcutta and try to introduce Travancore products in Calcutta.

MR A. THANU PILLAI (*Trivandrum—Rural*): Then, does the member hold that he has not done anything like that till now?

PRESIDENT: You mean in Calcutta?

MR. A. THANU PILLAI (*Trivandrum—Rural*): Yes. Sir.

MR. N. K. PADMANABHA PILLAI (*Director of Industries*): His activities have till now been confined to Bombay and he visited Calcutta also lately.

Freight on the produce of the cocoanut tree.

134. *MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state whether the Government have addressed the South Indian Railway authorities for reducing the freight on the produce of the cocoanut trees?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the Government be pleased to state when the Government addressed the South Indian Railway authorities on this point?

MR. T. C. THOMMEN (*Secretary to Government*): On the 4th September 1934.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): That is, after the receipt of this interpellation?

MR. T. C. THOMMEN (*Secretary to Government*): Even earlier than that.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether anything has been achieved as a result of the communication with the South Indian Railway?

MR. T. C. THOMMEN (*Secretary to Government*): The Railway company has stated that they are prepared to do everything in their power to stimulate the cocoanut trade by reducing the freight thereof.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Have they given any definite reply about the concession that they are prepared to make in the freight of the cocoanut produce?

MR. T. C. THOMMEN (*Secretary to Government*): They stated that the matter will be considered if concrete proposals are placed before the company.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand that the communication said to have been addressed to the South Indian Railway Company did not contain any concrete proposal?

MR T. C. THOMMEN (*Secretary to Government*): No. The company was asked if they would give concessional rates of freight on the cocoanut produce.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know from the member whether the South Indian Railway Company agreed that they would allow concessional rates in the freight of the cocoanut produce?

MR T. C. THOMMEN (*Secretary to Government*): They said that they are prepared to give concessions.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know what sort of concession they are prepared to give, *i. e.*, the reduction on freight they are prepared to make?

MR T. C. THOMMEN (*Secretary to Government*): They said that if concrete proposals are made they would consider the matter.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Did Government place any proposal before the South Indian Railway Company regarding the reduction of freight on cocoanut products?

MR. T. C. THOMMEN (*Secretary to Government*): Government did not place any proposal, because no concrete proposals were made to the Government by the merchants.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Now, has the Government any intention to get the freights reduced?

MR. T. C. THOMMEN (*Secretary to Government*): If concrete proposals are made to Government by the merchants, they would address the Railway Company and request them to consider about the reduction of freight in the light of the recommendations made by the merchants.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whom does the Government expect to present such concrete proposals?

MR. T. C. THOMMEN (*Secretary to Government*): The merchant population and particularly the Chambers of Commerce, Alleppey and Travancore.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Are we to understand that Government have no concrete suggestions to offer to the Railway Company?

MR T. C. THOMMEN (*Secretary to Government*): No, they have not got concrete suggestions.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): May I know from the member whether Government moves only on the representations of private individuals?

MR. T. C. THOMMEN (*Secretary to Government*): In matters of this nature they do only like that.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): Unless representations are received from the merchant community, it was said, no action will be taken by Government in matters of this nature. Then why did the Government address the South Indian Railway asking for concession in freight?

MR. T. C. THOMMEN (*Secretary to Government*): The Chamber of Commerce suggested that if the Railway Company is addressed, they may reduce the rates.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): When the Government moved the S. I. R. Company, had they any concrete proposals in their mind?

MR. T. C. THOMMEN (*Secretary to Government*): No.

MR. KAINIKKARA M. PADMANABHA PILLAI (*Changanachery I*): If the S. I. R. Company gave a positive reply what would the Government propose to do with it?

MR. T. C. THOMMEN (*Secretary to Government*): They would communicate the same to the Chamber of Commerce.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): If a merchant wants to send a lot of goods to Calcutta or any other distant place he must apply to the company for reduction of rates, or will the Government reduce the freight on the goods?

MR. T. C. THOMMEN (*Secretary to Government*): If the merchant finds that the rates charged by the Railway Company, is very high and that it may be reduced, he must first address the Railway Company. In such cases it is also possible that the company may, on their own account, reduce the rates.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): Will the Government ask the company to make reduction on their own account?

MR T. C. THOMMEN (*Secretary to Government*): Government do not consider it necessary.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur cum Pattanapuram*): What is the opinion of the company, whether they are prepared to make any reduction?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

MR. M. N. NAIR (*Kottayam I*): May I know whether the Chamber of Commerce was informed of the reply received by the Government from the South Indian Railway?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

Railway freight on cocoanuts.

135. ***MR. M. K. MADHAVAN PILLAI** (*Karunagapalli*): Will the Government be pleased to state what steps they have taken for reducing railway freights on cocoanuts and cocoanut products?

MR. T. C. THOMMEN (*Secretary to Government*): Government addressed the authorities of the G. I. P. and B. B. & C. I. Railways through the Trade Agent. But these Railway Companies did not consider it possible at present to make any change in the present rates. Negotiations with the S. I. R. Company with a view to the reduction of the rates are being continued.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know why Government thought it necessary to seek the mediation of the Trade Agent when they wanted to correspond with the Railway Companies of North India and why did they themselves correspond directly as with the South Indian Railway?

MR. T. C. THOMMEN (*Secretary to Government*): The Trade Agent was at the time in Bombay and he has got more convenience to make the necessary enquiries.

PRESIDENT: You mean the headquarters of these Railway Companies; where are they?

MR. T. C. THOMMEN (*Secretary to Government*): At Bombay.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Had the Government instructed the Trade Agent in finding out suitable markets for the Travancore products?

MR. T. C. THOMMEN (*Secretary to Government*): Yes.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know the names of markets found out on behalf of Travancore Government for the Travancore products?

MR. T. C. THOMMEN (*Secretary to Government*): I claim notice.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): When did Government instruct the Trade Agent to find out suitable markets for these products?

MR. T. C. THOMMEN (*Secretary to Government*): They have given instructions almost from the very beginning of his appointment.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Then how long did he take to find a market if he has found out one? Have the Government called for the explanation when they have found that he was unsuccessful?

MR. T. C. THOMMEN (*Secretary to Government*): Government have not called for any explanation.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Why did Government keep silent over the matter?

MR. T. C. THOMMEN (*Secretary to Government*): A reference has been made to the Trade Agent and the reply is not received.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know how many references of this kind made by the Government are pending with the Trade Agent unanswered by that officer?

MR. T. C. THOMMEN (*Secretary to Government*): Of which kind, please?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, a question was asked by Mr. E. V. Krishna Pillai. That question, so far as I am able to understand, is asked for a definite answer being given. I think that the answer given by the Government, is not definite May I submit Sir, that the answers here may be more definitely given?

PRESIDENT: The order is very definite.

The time has expired for asking supplementary questions. We shall enter into the proceedings of the day.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, may I submit for the consideration of the Chair that the usual procedure here is to answer the remaining questions on the succeeding day? As this is the last day of the meeting the House will stand adjourned *sine die* and all the business that outstands today has to be taken up next day. So if you have to follow the precedent the remaining questions have to be taken on the next day.

PRESIDENT: You mean in the next session?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No, Sir: what I am submitting is that these supplementary questions have to be asked on the next day.

PRESIDENT: I will consider that point later on.

Recruitment to Public Service.

136. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to lay on the table a copy of the Government order or confidential circular sent round to the officers of all departments in the State prescribing the mode and percentage of the appointments to be made in the Public Service under communal basis?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No such order has been issued.

Recruitment of unrepresented communities in Government service.

137. ***MR. M. N. NAIR** (*Kottayam I*): Will the Government be pleased to state:

(*a*) whether they have sent a general circular to their Heads of Departments limiting their power of appointments to members of the unrepresented communities alone: and

(*b*) if the answer to part (*a*) is in the affirmative, whether they have specified in the order, which are the unrepresented communities in the respective departments?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) The answer is in the negative.

(*b*) This does not arise in view of the answer to part (*a*).

Recruitment to Public Service.

138 ***MR. K. P. KRISHNA MENON** (*Parur*): Will the Government be pleased to state whether any new departure has been made in the matter of recruitment to Public Service since the last discussion about this matter in the Legislative Assembly?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): No.

Caste-war statement of officers in Government Service.

139. ***MR. S. J. NAIR** (*Nedumangad*): (*a*) Will the Government be pleased to lay on the table a comprehensive communal-war statement of officers in the Public Service, department by department, who draw salaries between Rs. 25 and 40, Rs. 40 and 50, Rs. 50 and 75 Rs. 75 and 100, Rs. 100 and 150, Rs. 150 to 200, Rs. 200 to Rs. 250o Rs. 250 to 275, Rs. 275 to Rs. 300, Rs. 300 to 350, and Rs. 350 to 400, and above?

(*b*) With reference to the supply of the above statement, will the Government be pleased to state which communities preponderate in the Educational, Medical and Public Works Departments?

RAO SAHIB DR. N. KUNJAN PILLAI. (*Chief Secretary to Government*): The time and labour involved in collecting the information required is out of all proportion to its possible utility.

Male teachers in the Women's College.

140. ***MR. K. SANKARAN** (*Kartikapalli I*): Will the Government be pleased to state:

(*a*) the number of male officers in the teaching staff of the Women's College, Trivandrum, in each of the different sections;

(*b*) the reasons why such officers are retained in the Women's College; and

(*c*) whether there are not ladies with the required qualifications as applicants for similar posts in the Women's College?

MR. R. M. STATHAM (*Director of Public Instruction*) : (*a*) Two in the Chemistry Section and two in the Physics Section.

(*b*) For want of duly qualified lady candidates.

(*c*) Two ladies are studying for the M. A., at present.

Edappalli-Muvattupuzha road.

141. *MR. K. MAHOMED (*Alwaye*) : Will the Government be pleased to state :

(*a*) when the estimate for the Edappalli-Muvattupuzha road was sanctioned ;

(*b*) when the work was started ;

(*c*) the amount spent for it ; and

(*d*) whether it is a cart road at present ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) 17-5-1926.

(*b*) 1100 M. E.

(*c*) Rs. 8,638-17-1.

(*d*) Yes.

Edappalli-Parur road.

142. *MR. K. MAHOMED (*Alwaye*) : Will the Government be pleased to state :

(*a*) whether the Edappalli-Parur road has been sanctioned:

(*b*) if so, when it was sanctioned :

(*c*) whether the first section of its work is over ;

(*d*) whether there is any representation to finish the second section of it, so as to meet the Edappalli-Perandoor road ;

(*e*) whether any action has been taken in the matter ;

(*f*) if not, the reason for it ;

(*g*) whether the second section of it has been surveyed through another way ;

(*h*) the expenditure for the second section of the present surveyed line ;

(*i*) the expense for the second section of the road from Cheranalloor (Cochin State) to the Edappalli-Perandoor road ; and

(*j*) whether there is any village road along the said line ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (*a*) Yes, the portion from Parur to Varapuzha.

(*b*) In 1927.

(*c*) Yes.

(*d*) Yes.

(*e*) No.

(*f*) This line falls mostly within the Cochin territory.

(*g*) Yes.

(*h*) Rs. 38,080.

(*i*) This can be known only after an investigation.

(*j*) Yes, but it is not maintained by Government.

Cattle pound at Edappalli.

143. *MR. K. MAHOMED (*Alwaye*) : Will the Government be pleased to state :

(a) whether a cattle pound be opened at Edappalli;

(b) whether there was any representation for the same; and

(c) if the answer to part (b) is in the affirmative, the action taken by the Government?

MR. T. C. THOMMEN (*Secretary to Government*): (a) Government have sanctioned the opening of a cattle pound at Edappalli.

(b) Yes.

(c) The pound has not been opened as the proposed site and the building have not yet been handed over to the *Swaroopam* by the Excise Department.

Cattle pound at Trikkakara.

144. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to state:

(a) whether there was any representation to open a cattle pound at Trikkakara; and

(b) if so, what action was taken by the Government?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*).

(a) The answer is in the negative.

(b) This does not arise in view of the above answer.

Caste-war statement of clerks in Revenue Office.

145. ***MR. K. MAHOMED** (*Alwaye*): Will the Government be pleased to lay on the table a caste-war statement of the clerks in the Taluk Offices and Division Peishkars' Offices of the State?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): A *statement containing the required particulars is laid on the table.

Dilapidated School Buildings.

146. ***MR. V. K. VELAPPAN NAIR** (*Vaikam*): (a) Will the Government be pleased to lay on the table a list of the dilapidated Government schools in the State which require immediate attention from the Government?

(b) Will the Government be pleased to state:

(i) whether the Director has brought to the notice of Government this building problem and submitted any suggestions to meet this difficulty; and

(ii) if the answer to part (i) is in the affirmative, the action taken thereon?

MR. R. M. STATHAM (*Director of Public Instruction*): (a) The list is laid on the table.

(b) (i) Yes.

(ii) Necessary repairs are effected in the order of urgency and to the extent funds are available.

Workshops, Trivandrum.

147. ***MR. G. NILAKANTAN** (*Nominated*): Will the Government be pleased to state:

(a) the value of articles turned out from the Headquarters Workshops at Trivandrum;

[Mr. G. Nilakantan.]

(b) the value of materials used ;

(c) the value of overhead charges ; and

(d) the value of labour ?

MR. G. B. E. TRUSCOTT (*Chief Engineer*) : (a) to (d). The member has not mentioned the period for which he requires the information. No definite reply can, therefore, be given.

Sales Depot in Bombay.

148. *MR. G. NILAKANTAN (*Nominated*) : Will the Government be pleased to state :

(a) the expenditure incurred on account of the establishment of Sales Depot in Bombay in 1109 ; and

(b) the kind and quantities of articles marketed so far (till 2-4-1110) through its agency ?

MR. N. K. PADMANABHA PILLAI (*Director of Industries*) :

(a) Rs. 498-1-0-

(b)	Cashewnuts	...	27,900 lbs.
	Coir mats and mattings	...	565 of different sizes.
	Raw cocoanuts	...	1,000
	Screwpine articles	...	96.
	Ivory articles	...	203.
	Silk cloth	...	150 yds.
	Soap	...	108 boxes.

Appointment of Head Constables as Police Inspectors.

142. *MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Will the Government be pleased to state :

(a) whether, in making appointments as Police Inspectors, the Head Constables who have acted as Police Inspectors are given preference to those who have no such acting claims ;

(b) whether, among those who have acting claims, the persons who have acted on earlier date are given preference ; and

(c) the names of the Head Constables now in service as Head Constables who have acted as Police Inspectors before 1-1-1105, with the dates of their first appintment as acting Police Inspectors ;

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*) :

(a) Their case is also considered.

(b) Not necessarily, but this also is taken into consideration.

(c) A †statement containing the required information is laid on the table.

Pandits and Munshis in English Schools.

150. *MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Will the Government be pleased to state :

(a) whether, in appointing Pandits and Munshis in English Schools, the claims of qualified Pandits and Munshis in Vernacular Schools are taken into consideration ; and

* *Vide* Appendix I.

† *Vide* Appendix II.

* *Vide* Appendix III.

(*b*) if the answer to part (*a*) is in the affirmative, whether those in Vernacular Schools are preferred to fresh hands where all the other claims are equal?

MR. R. M. STATHAM (*Director of Public Instruction*): (*a*) The appointments have hitherto usually been made from a waiting list, but promotions have also been made from time to time to qualified Pandits and Munshis in Vernacular Schools.

(*b*) Seniority in the waiting list has usually been the main consideration.

The London Mission Community and the Revenue Department.

151. ***MISS. HEPSIBAH GNANASIKAMONY** (*Nominated*): Will the Government be pleased to state the number of Provertbicars, from the London Mission community, in Government service at present (15-11-1934)?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): None.

Mascot Hostel in Trivandrum.

152 ***MR. K. P. KRISHNA MENON** (*Parur*) Will the Government be pleased to state what was the income derived from, and the expenditure incurred during the year 1109 in connection with the Mascot Hotel in Trivandrum?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): The income of the Mascot Hotel during 1109 was Rs. 12,6(7-11-4 and expenditure Rs. 11,204-20-4.

Ice manufactured in the P. W. D.

153. ***MR. S. J. NAIR** (*Nedumangad*): Will the Government be pleased to state:

(*a*) what was the expenditure in the matter of running cost of the ice machine, when fuel was used for the purpose;

(*b*) what is the expenditure of the ice machine, when it is being run by electricity;

(*c*) whether any of the Executive Engineers has sent up proposal to shift the ice manufacturing machine to the workshop, and

(*d*) if the answer to part (*c*) is in the affirmative, why that proposal was cancelled by the recommendation of the present Chief Engineer?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) One chuckram one cash per lb. of ice.

(*b*) 13·6 cash per lb. of ice.

(*c*) Yes.

(*d*) On reconsideration it was found safer to leave the machine in its present position, as it is an old one liable to be broken while shifting.

Water supply to conversion lands.

154. ***MR. S. THIRAVIAM NADAR** (*Agastisvaram*): Will the Government be pleased to state:

[Mr. S. Thiraviam Nadar.]

(*a*) whether they give equal rights in the supply of water from the Pachipara Reservoir to the dry lands converted into wet lands on which is levied the highest water-cess with that of old wet lands and dry lands converted into wet by baling water and

(*b*) whether any preference is given to the old wet lands and dry lands converted into wet by baling water?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*):

(*a*) Yes. Equal rights are given in the supply of water.

(*b*) No.

A grant-in-aid Vaidyasala at Kadakkal.

155. ***MR. A. EASWARA PILLAI** (*Kottarakara*): Will the Government be pleased to state:

(*a*) whether they have received any representations from the people of Kadakkal, Kottarakara taluk, regarding the necessity of having a grant-in-aid *Vaidyasala* there; and

(*b*) whether they have made any investigations in the matter?

RAO SAHIB DR. N KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) and (*b*) Yes.

Superintendent, Workshops and Stores.

156. ***MR. PUTHUPALLI S. KRISHNA PILLAI** (*Quilon II*): Will the Government be pleased to state:

(*a*) the date on which Mr. J. W. Chacko was appointed the Superintendent of the Workshops and Stores Division:

(*b*) whether his appointment is only on probation for one year and whether his continuance in service is dependent on his showing a profitable working of the Workshops;

(*c*) whether the question of his continuance in service has yet been decided by Government and, if so, the date thereof and the result of the decision.

(*d*) whether the said Mr. Chacko has applied for a loan from Government and, if so, the date on which the application was made, the amount applied for and the period claimed for repayment;

(*e*) whether the said application was recommended by the Chief Engineer and, if so, the date thereof;

(*f*) whether the Government have sanctioned the loan and, if so, the date of sanction and the terms and conditions on which repayment is secured; and

(*g*) whether the Government have till now considered the impropriety of the application by an incumbent on probation for such a loan and the recommendation made by the Chief Engineer?

MR. G. B. E. TRUSCOTT (*Chief Engineer*): (*a*) 1-2-1934.

(*b*) His term of appointment as Superintendent, Workshops, is for a period of 5 years in the first instance, subject to a satisfactory probation of one year;

(*c*) This has not been decided.

(d) Yes. He applied for a loan of Rs. 3,000 on 11-8-1934 for the purchase of a motor car under the usual conditions under which such loans are granted to Government servants, according to which the maximum period of repayment of the loan is 3 years from the date of drawing the loan.

(e) The Chief Engineer recommended Mr. Chacko's application for the loan on 28-8-1934.

(f) Government sanctioned the loan on 23-10-1934 under the usual conditions and terms of repayment of the loan as provided for in the Account Code Rules.

(g) Yes, Government have fully considered the implications.

UNSTARRED QUESTIONS AND ANSWERS.

Floods in the Killiyar.

1. **MR. N. ABDUR RAHIMAN SAHIB** (*Nominated*): Will the Government be pleased to state:

(a) whether they are aware that the Elavania Street in Chalai and the adjacent areas were under water during the heavy floods of Edavam 1108

(b) whether the above places were seriously affected by the floods for want of proper protective works on the banks of Killi river, especially south of the bridge and

(c) whether protective works, on the southern side of the Killipalam, are sanctioned and carried out?

MR. G. B. E. TRUSCOTT (*Chief Engineer*):

(a) Yes.

(b) No.

(c) Yes. Necessary temporary works were carried out.

Assignment of the Karikulam Reserve.

2. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state:

(a) whether petitions have been submitted to them by Pulayas and Parayas for disafforesting and assigning to them the Karikulam reserve in the Ranni *pakuthi*, Pattanamtitta taluk; and

(b) if so, whether they have taken any action on those petitions?

MR. T. C. THOMMEN (*Secretary to Government*):

(a) Yes. Two petitions were received, one in 1105 and another in 1106.

(b) Yes. Endorsements were given to the petitioners that their prayer could not be granted.

Assignment of minor Forests.

3. **MR. T. T. KESAVAN SASTRI** (*Nominated*): (a) Will the Government be pleased to state whether they have not issued order to assign to the public minor forests which do not bring sufficient income to Government?

(b) If so, will they be pleased to lay on the table copies of such orders?

MR. T. C. THOMMEN (*Secretary to Government*) :

(*a*) No.

(*b*) In view of the answer to part (*a*) this does not arise.

Puduval lands in the Kunnattur and Pattanapuram taluks reserved for depressed classes.

4. MR. T. T. KESAVAN SASTRI (*Nominated*) : Will the Government be pleased to state whether they are aware that the *puduval* lands reserved for depressed classes in the Kunnattur and Pattanapuram taluks are mere rocky and hilly tracts ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : No.

Puduval lands reserved for depressed classes.

5. MR. T. T. KESAVAN SASTRI (*Nominated*) : Will the Government be pleased to state :

(*a*) whether the Land Revenue Commissioner has personally seen any of the *puduval* lands ear-marked for the depressed classes; and

(*b*) if so, the places with the names of the taluks ?

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) :

(*a*) Yes.

(*b*) Lands in the Thakazhi and Porakad pakuthies in the Ambalapuzha Taluk.

Grant of Agricultural Loans.

6. MR. T. T. KESAVAN SASTRI (*Nominated*) : Will the Government be pleased to state whether they have decided not to grant agricultural loans on the security of *puduval* lands assigned to the depressed classes free and the tax on which is being paid without default ?

MR. K. GEORGE (*Land Revenue and Income tax Commissioner*) : No.

The depressed classes and the Judicial Department.

7. MR. T. T. KESAVAN SASTRI (*Nominated*) : Will the Government be pleased to state whether appointments have been made in accordance with the Government order that a copyist and two peons from the depressed classes be appointed in each court in the Judicial Department ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*) : There is no Government order that a copyist and two peons should be appointed from the depressed classes in each court in the Judicial Department.

Entertainment of a depressed class member in the Munsiff's Court, Vaikam.

8. MR. T. T. KESAVAN SASTRI (*Nominated*) : Will the Government be pleased to state :

(*a*) whether any one belonging to the depressed classes has been appointed to any place in the Vaikam Munsiff's Court ; and

(*b*) if so, the names of those who are now in service and the work they do ?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*):

(*a*) One Barber as Ag. copyist and two Pulayas as Ag. process peons were appointed in the Vaikom Munsiff's Court.

(*b*) They are not now in service, since the vacancies, in which they were acting, ceased.

Copyists and peons in the Judicial Department.

9. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state the total number of peons and copyists in the Judicial Department?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The member is referred to pages 78 and 79 of the Civil List corrected up to the 1st Vrischikam 1110.

Copyists and Peons in the Registration Department.

10. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to lay on the table a statement, by caste, of copyists and peons in the Registration Department?

RAO SAHIB DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): The* statement required is laid on the table.

Recruitment of Police Constables.

11. **MR. T. T. KESAVAN SASTRI** (*Nominated*); Will the Government be pleased to state:

(*a*) whether, in accordance with the Notification in the Gazette, persons were newly recruited to the Police Force on the 2nd Thulam 1110; and

(*b*) if so, whether they will lay on the table a statement, by caste, of the constables recruited?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):

(*a*) Yes.

(*b*)

Brahmin	...	1
Nairs	...	7
Ezhavas	...	3
Christians (Syrian)	...	5
Muslims	...	3
Krishnavagai	...	1
Nadar (Christian)	...	1
Anglo Indian	...	1
Arayan	...	1
Barber	...	1
Oil monger	...	1
		25

Recruitment of Pulayas etc., to the Police Force.

12. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state the number of times the present Commissioner

* *Vide* Appendix IV.

[Mr. T. T. Kesavan Sastri.]

of Police made recruitments to the Police Force and whether, at any time, he recruited any Pulaya, Paraya or Curava?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*):
(1) Twice.
(2) Yes. One Sambavar (Paraya) was recruited.

Examination qualification for depressed class members for recruitment to the Police Force.

13. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state whether any examination qualification has been fixed for the depressed classes to join the Police?

RAO BAHADUR N. RAMANUJA AIYANGAR (*Commissioner of Police*): No.

Fee concession to depressed classes.

14. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state whether the depressed classes have been granted fee concession in the college classes?

MR. R. M. STATHAM (*Director of Public Instruction*): Not as a rule but, in individual deserving cases, fee concessions are granted with the special sanction of Government.

Members of the Vernacular Text-Book Committee.

15. **MR. T. T. KESAVAN SASTRI** (*Nominated*): Will the Government be pleased to state the names of the members of the Vernacular Text-Book Committee?

MR R. M. STATHAM (*Director of Public Instruction*): There is no such Text-Book Committee.

Appendix I.

***Vide* Question No. 145.**

Caste—war statement of clerks in the Taluk and Division Peishkars' offices.

Name of offices.	Brahmins (Malayala)	Brahmins (others)	Ezhavas	Kammalas	Kshatriyas	Nadars	Nayars	Pulayas	Vellalas	Other Hindus	Other depressed classes	Mussalmans	Protestants	Roman Latinrite	Jacobite	Mar Thoma	Other depressed classes	Remarks.
Division Cutcherries	...	14	..	...	..	..	27	..	4	3	...	1	1	2	6	2	..	1 vacant
Taluk Offices	...	47	7	2	1	2	120	..	7	6	2	6	3	4	11	11	...	

Appendix II.

Vide Question No. 146.

List of dilapidated school buildings.

I. *English Schools.*

(a) For Boys — Nil.
(b) For Girls — 1. Chengannur English Middle School.

II. *Vernacular Schools.*

(a) For Boys.

1	Malayinkil Vernacular Middle School.	
2	Adichanallur	Do.
3	Archalamood	Do.
4	Kozhencherry	Do.
5	Thiruvampady	Do.
6	Shertalai	Do.
7	Arookutty	Do.
8	Mankuttimalakani Primary School.	
9	Poovar Mahomedan	Do.
10	Pongumood	Do.
11	Vettoor	Do.
12	Nagaroor	Do.
13	Pulimath	Do.
14	Vattapara	Do.
15	Villumalakani	Do.
16	Puliyara	Do.
17	Kadakad	Do.
18	Kannamangalam	Do.
19	Prayar	Do.
20	Cheriyanad	Do.
21	Vattakotta	Do.
22	Kodanthuruthu	Do.
23	Thirunallur	Do.
24	Udayanapuram	Do.
25	Poothotta	Do.
26	Eravithope	Do.
27	Peruvanthanam	Do.
28	Puthuppady	Do.
29	Karikode	Do.
30	Thuruthissery	Do.
31	Eloor	Do.
32	Arianad	Do.
33	Azheekal	Do.
34	Puthupally North	Do.
35	Vazhuthanam	Do.
36	Vadakkekara	Do.
37	Edappady	Do.
38	Thrikkakara	Do.
39	Pazhthottam	Do.

Appendix II.—(*contd.*)

II. *Vernacular Schools*—(contd.)

(*b*) For Girls.

1	Puthupally Vernacular	Middle School.
2	Thumpamon	Do.
3	Kayencolam	Do.
4	Haripad	Do.
5	Kottathala Primary	School.
6	Mayyanad	Do.
7	Muthukulam	Do.
8	Thekkekara	Do.
9	West Kallada	Do.
10	Kollurvila	Do.
11	Chennithala Vernacular	Middle School.
12	Champakara Primary	School.
13	Kanjirapally	Do.
14	Vayalar	Do.
15	Kadakarapally	Do.
16	Kottuvalli	Do.
17	Thanneermukkam	Do.

Appendix III.

***Vide* Answer to Question No. 149.**

Statement of Head Constables who had acted as Police Inspectors.

Serial No.	Designation.		No	Name.	Date.
1	1st Grade Head Constable		46	Sankara Pillai	14-10-1090
2	Do.	Do.	226	Ramakrishna Pillai	19-8-1093
3	Do.	Do.	119	Padmanabha Iyengar	1-12-1093
4	2nd Grade	Do.	76	Kesava Pillai	1-1-1094
5	1st Grade	Do.	104	K. Nainan	6-6-1094
6	Do.	Do.	375	Velayudhan Pillai	8-10-1094
7	2nd Grade	Do.	73	K. Rama Rao	1-11-1094
8	1st Grade	Do.	1007	Madhava Panikar	13-5-1095
9	Do.	Do.	940	Parameswaran Pillai	29-11-1095
10	Do.	Do.	166	K. Raman Pillai	7-2-1096
11	Do.	Do.	199	Narayana Pillai	3-8-1096
12	Do.	Do.	360	Raman Pillai	29-9-1096
13	2nd Grade	Do.	100	Varkey	2-10-1096
14	1st Grade	Do.	80	Fernando	4-11-1096
15	Do.	Do.	843	Neelakanta Pillai	7-5-1097
16	Do.	Do.	1254	Gopala Pillai	5-5-1099
17	2nd Grade	Do.	596	W. W. George	19-10-1100
18	Do.	Do.	201	Thanuvan Thampi	14-4-1101
19	1st Grade	Do.	180	Krishna Pillai	28-8-1102
20	Do.	Do.	193	Atchuthan Pillai	12-6-1103
21	3rd Grade	Do.	1435	Padmanabha Pillai	18-6-1103
22	2nd Grade	Do.	604	Palpu Pillai	24-8-1104
23	Do.	Do.	410	Sivarama Pillai	6-9-1104
24	Do.	Do.	534	Narayana Pillai	24-9-1104
25	1st Grade	Do.	315	Padmanabha Pillai	8-10-1104
26	Do.	Do.	87	Palpu Pillai	11-11-1104

Appendix IV.

***Vide* Answer to unstarred Question No. 10.**

Caste-war statement of clerks and peons in the Registration I'epartment.

Caste.	No. of Clerks in the sub-Registry Offices (copying clerks).	No. of peons in the Department.	Remarks.
I. *Hindu.*			In column 2 Head Clerks of the Sub-Registry Offices are also included. In column (3) one Supernumerary peon also is included.
i. Brahmin Malayala ...	7	...	
ii. Do Others ...	42	2	
iii. Ezhava ...	31	...	
iv. Kammala ...	6	...	
v. Kshatriya ...	7	...	
vi. Nadar ...	1	...	
vii. Nair ...	207	146	
viii. Pulaya ...	1	1	
ix. Other depressed classes ...	12	3	
x, Vellala ...	16	3	
xi. Other Hindus ...	10	1	
II. *Musal man* ...	19	2	
III. *Christian* ...	...	...	
i. Protestant ...	9	...	
ii. Roman Catholic ...	...	...	
(*a*) Latin Rite ...	14	1	
(*b*) Syrian Rite ...	5	..	
iii. Syrian ...	...	...	
(*a*) Jacobite ...	28	17	
(*b*) Marthoma ...	24	4	
iv. Church of England ...	...	1	
v. Depressed classes ...	...	...	
Others ...	...	...	
Total ...	439	181	

PRESIDENT: We have been watching with anxiety and concern the condition of the Pachipara Dam, for I hope the House will give me the credit that I realize that the happiness and prosperity of a large number of ryots in South Travancore depend upon the extent to which the Kodyar Irrigation work is able to function. I suppose that the information that the House had at the time when it raised this question on the adjournment motion was that the level had gone something below 2 feet. Our anxiety was considerably aroused as to what was going to happen even in regard to that particular area which the Government considered they could save by husbanding the resources of the irrigation work by allowing sufficient water only in respect of 23,000 acres as against the 55,000 which perhaps is regarded as the *ayacut* under that work. Well, the House will be glad to hear the latest report we have of Pachipara Dam is that the level of water on the forenoon of the 24th of this month was 4·10 and in the afternoon it was 4·0, and one very pleasing feature of the situation is that the Left Bank Channel which, as Honourable members know, feeds, this irrigation work brought in the forenoon 3·20 ft. of water and in the afternoon it brought 3·15 ft. and the report further goes to add that water is still coming. I simply wanted to mention this to the Honourable members so that they may realise that we have been not only watching this from day to day but have been anxious to discharge the responsibility we undertook by deciding to eliminate certain areas from the *ayacut* of that lake in the interest of the rice growers of South Travancore as a whole. According to calculation it was clear at the time of our decision that not even these 23,000 acres could in any case be saved with the resources then available. But since then even this prospect was not without considerable doubt. However, we have been pursuing the policy we adopted. But the recent report which is very happy indeed encourages us in the belief that the 23,000 acres which we undertook to protect could be saved.

LEGISLATIVE BUSINESS—THE VAKILS REGULATION (AMENDMENT) BILL—(*contd.*)

PRESIDENT: The next item in the Agenda is legislative business. Mr. Thanu Pillai was speaking when the House adjourned last evening, and I hope he will now resume the discussion.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Sir, the House is asked to allow pleaders practising before Munsiff's Courts to practise in District Courts and High Courts. It was mainly contended by some members that opportunity should be given to these pleaders, that is, first grade and second grade pleaders, to practise in the highest courts in Travancore and it was also contended by some of the speakers that it would be in the interest of the litigant public to allow these first and second grade pleaders to practise in the higher courts a few years after they have joined the profession. Sir, my position is that both these contentions are unsubstantial. It was stated here that these pleaders know as much law as graduates-in-law, Barristers and so on, and that

they know the local conditions better; and it was also contended that they are allowed to conduct cases in all the higher courts it would be in the interest of the clients. I submit, Sir, that there is very little substance in this contention. Now, as was pointed out yesterday by Mr. P. K. Narayana Pillai, the Government ought to insist on the part of the members of the legal profession a high standard of efficiency, general culture and also a sufficiently high standard of legal training. It is not in this profession alone, but, Sir, it is in all learned professions that we should insist on a sufficiently high standard of general training and I may be pardoned when I say, so far as the legal profession goes, as high a standard of general culture should be insisted upon as possible. We go by these examination standards and so far as we know examination is probably the most acceptable test available. Unless something better can be suggested we must go by this standard and that has been accepted all over the world and we to have accepted it, A person who is allowed to practise in a particular court must have attained a certain standard of culture, Now we must insist on those standards being kept up. Simply because a lawyer has put in a number of years practise in Munsiff's Court, it will be wrong to allow him to practise in District Courts and the High Court. Then in regard to legal equipment, Sir, there is no use ignoring the fact that a pleader cannot without a University course of trainning in law, be generally expected to understand the intricacies of law, and hence he is not expected to be efficient enough to practise in higher courts. Of course there are exceptional cases as I have already mentioned. There are exceptions to any rule. There may be a Munsiff Court Vakil a particularly intelligent man who without even a University course is able to understand law in all its aspects.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*): Does the member think that all B. Ls are more learned and intelligent than the pleaders?

MR. A. THANU PILLAI (*Trivandrum—Rural*): I am sorry the member did not understand me. I have already admitted that there are exceptional cases. If we take 100 pleaders there may be 7 or 8 efficient and intelligent men among them but among the B. Ls there may be not less than 80 per cent who are efficient.

MR. S. J. NAIR (*Nedumangad*): May I know whether the member is aware that the B. Ls who practise in Munsiff's Courts are utter failures when compared to the wounderful success of pleaders?

MR. A. THANU PILLAI (*Trivandrum-Rural*): I am not aware.

PRESIDENT: Please argue on principle.

MR. A. THANU PILLAI (*Trivandrum-Rural*). Sir, I did not suggest that all B. Ls are superior to pleaders. Generally if we take the case of 100 pleaders, and 100 B. Ls. I say that there may be a small number of pleaders who are equal to B. Ls; but a much larger percentage of B. Ls would be superior to pleaders. The question here is whether a person who has practised for a certain number of years in a Munsiffs Court should be made eligible to practise in the District Courts and the High Court.

Sir, the Laws Delays Commissioner in his report says that there are 927 pleaders exclusively attached to the Munsiffs Courts and 81 pleaders attached to the District Courts. The proposal now made by Mr. S. J. Nair is that all those people who have put in 7 years in the Munsiff's Court be allowed to take sannad to practise in the District Courts. Most of the Munsiffs' Court pleaders have put in 7 years in the Munsiffs Court. The result of accepting the principle of the Bill is to make a large number of people eligible to practice in the District Court. I refer to this fact mainly in view of a suggestion put forward by one other member that an examination may be held after seven years and such of those people as are found eligible may be permitted to practise in higher courts. That is not the proposal in this Bill. Even to this suggestion there is the strong objection that the standard of general culture will be wanting in the generality of cases.

MR. R. RAMAN PILLAI (*Changanachery* cum *Peermade II*) : എട്ടുപ്രാവശ്യം മട്രിക്കലേഷൻപരീക്ഷയിൽ തോററശേഷം ബാരിസ്റ്റർ പരീക്ഷയിൽ ജയിച്ചുവരുന്നയാളിനു ജനറൽ കൾച്ചർ ഉണ്ടെന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Sir, the question is whether I am of opinion that a person who has failed eight times in the Matriculation Examination and who subsequently becomes a Barrister can be considered to have enough of general culture. As I said there may be exceptional cases where even a candidate with examination qualifications does not possess the requisite standard of general culture but as a general rule, a person who has undergone the course for the requisite period prescribed for a Barrister, will have acquired enough of general culture.

MR. CHANGANACHERY K. PARAMESVARAN PILLAI (*Kunnattur* cum *Pattanapuram*) : May I know whether the Inns of Court are not insisting upon general educational qualification for Barristers ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Yes, Sir. In olden days it was not so. One could have become a Barrister without possessing any high general qualifications.

MR. S. J. NAIR (*Nedumangad*) : May I know from the member whether he is aware that to admission to Barrister's Course in Ireland no University qualification is insisted ?

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Whatever that be we shall insist on that, Sir. We have got enough number of men with sufficient educational qualification and culture. So let us not think of things elsewhere.

PRESIDENT : We are discussing of Travancore.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : We are discussing of Travancore and we should not refuse or fail to take advantage of the facilities that we have. Our Government and people have been spending lots of money over education. We have enough and more of educated men. And when we can insist on high general qualifications it is folly to let all manner of people to appear and plead in the High Court and District Courts.

MR. K. R. ELENKATH (*Kalkulam I*): May I know what the member means by general culture? Is it a study of Shakespeare or Milton?

MR. A. THANU PILLAI (*Trivandrum-Rural*): General culture is something well-khown to all people and I am sorry that the Honourable member is not able to understand what it means. It means a training of the mind through education which enables people to view things in a proper perspective and to do things in a proper way. Sir, general culture is a very common expression the meaning of which everybody knows.

Sir, in Madras formerly even undergraduates were allowed to undergo the law course and allowed to plead in District Courts and Munsiff's Courts. Now, it is many years since the rule is laid down that a graduate alone can practise even before the Munsiff's Court. In Travancore also formerly undergraduates could have become pleaders in District Courts, but some years ago the High Court changed the rule and laid it down that if a person is to be allowed to practise in a District Court, he should be a graduate. So for the last few years no person has been allowed to be a first grade pleader unless he was a graduate. That is the rule now. The second grade pleaders are mostly school-finals or matriculates. In such a condition of things I think it would be absurd to think of going back and lowering the standard.

Regarding the contention that it will be in the interests of the client that the same vakil is allowed to conduct the same case in the Munsiff's Court, the District Court and the High Court, I should say that there are distinct advantages in the same case being handled by different lawyers in different courts. As I mentioned yesterday, examination has been generally accepted as the standard of efficiency. It was argued that L. M. Ps. are allowed to become Assistant Surgeons in our Medical Department though they are started only as Sub Assistant Surgeons. But they never become Deputy Surgeon or Surgeons. Sir, I take some time in this debate because it was a surprise to me to find that there is some degree of support to this Bill in this House.

Argument was advanced that it is the look out of the client to go to the best available man and so the client does not stand to lose by the adoption of the principle in the Bill.

MR. K. R. ELENKATH (*Kalkulam I*): In that case, may I know whether it would not be proper to give the client a wider scope with regard to the selection of the man?

MR. A. THANU PILLAI (*Trivandrum-Rural*): Sir, certain members have been advocating the enactment of a law imposing certain conditions that would apply to the noble profession of medicine. There also, the patient goes to the best doctor. But, Sir, it is not every man who could be expected to know what is best for him in all circumstances Generally it may be taken that he knows but then the State should see that it is only people with requisite qualifications that are allowed to practise medicine.

Similarly also people with requisite qualification should alone be allowed to practise law. The ordinary client does not know what the best qualification for a lawyer is. There the State has got a duty to say that men with such and such qualifications are good, they could be entrusted with cases. The State has got a duty to see that a minimum standard of efficiency is kept up. Otherwise many people will be put on the wrong tract. They may be misled. And it is a matter of common knowledge that it is not always to the best vakil that the client goes. There will be agents and others to induce the client to approach a particular vakil. This may result in difficulties. It is therefore the duty of the State to set up a high standard of efficiency.

Then with regard to the question of promotion it is urged that first grade pleaders should be allowed to get themselves promoted. The answer to that question is, the promotion he can have is the growing practice within his own sphere. A Munsiff's Court vakil with 20 or 25 years standing is by far in a far better position than he who has 2 or 3 years standing or he who has just commenced practice. A successful lawyer, a hardworking lawyer, has his reward in his own sphere and that is his remuneration that is his promotion and he should be satisfied with that. If a man is not satisfied with that, he must go to the college, get himself qualified; he must graduate and join the Law College and take his B. L. Degree and get his sannad. He cannot be allowed a short-cut. I would impress upon this House that we would be failing, grossley failing, in our own duty if we allow this Bill to be introduced.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Mr. Thanu Pillai would fain have withheld his views from this House but for the fact that Mr. S. J. Nair's Bill received some little support on the floor of this House. I would certainly, Sir, not have spoken when there are so many other gentlemen to speak, but for the fact that a position like this taken up by a very prominent member of this House, as Mr. Thanu Pillai, requires a very close and careful scrutiny. Mr. Thanu Pillai is surprised that there has been support. There are surprises in this world, Sir. ((Mr. S. J. Nair, *Hear Hear.*) When the Copernicen System was given up and the Ptolemy System was recognised with regard to the arrangement of the Universe, it caused surprise. When Columbus discovered America it did cause surprise. And it was more surprising that the Ruler of Spain on whom Columbus was hanging for help for years telling him that he was going to discover a new world refused to listen and the Ruler of that small country of Portugal took up the idea and profited by it. Compared with all these there is less room for any surprise in this matter.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Was it not a plesant surprise in this case?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I am not concerned with pleasant surprises or unpleasant surprises. It will all depend upon the mental condition of the people who are the object of the surprise. Each man will understands things in his own way.

I am sorry, Sir, that though people are prepared to talk on cosmopolitan methods broad-mindedness and liberalism of outlook in certain matters they should have the narrowness, bigotry and vindictiveness in other matters. Here is a matter in which a large number of educated people have............

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, it is clearly casting aspersions on the motives of members who have participated in the debate. I would request the Chair to give a ruling so that such aspersions shall not be cast on fellow members who are doing their legitimate duty in this House as much as anybody else. It is not parliamentary, it is not right, it is not fair for any member to attribute any base motive to another member. This thing is ruinous to the credit and prestige of the House of which you are the President.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I did not cast any aspersion and I did not say any member was guilty. All humanity is not confined within this hall. There are people in this world besides members of this House. I will be the last person to cast any aspersion on any member and on no occasion has any such expression escaped my lips.

PRESIDENT: I was myself listening to the remarks made by Mr. Velu Pillai and it did not strike me that the Honourable member said anything which could be interpreted in the manner suggested by Mr. Kunjukrishna Pillai. If it meant anything as suggested, I would myself have certainly objected to the statement. Now there is Mr. Velu Pillai's explanation also in addition. I think the House will be satisfied with that.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, some people may argue the question on the ground of self-interest; others may argue it on the high altitudes of academic self-determination. The kind of education that we have received must enable us to take a detached view of the question *viz.*, to examine the question on its merits, free from impulses and that is what I propose to do, Sir, with your permission. I have been listening carefully to the speeches made on this occasion on this subject. I have also noted down points which I may say may stand me in good stead. The second grade pleaders' capacity, their character, all this has been certified to by no less a public authority than the Laws Delays Commissioner himself about whose good work, experience and judgment, numerous references were made on the floor of the House yesterday. That Commissioner is Mr. G. Sankara Pillai, a revered name no doubt. That Commissioner has observed in so many words that there are men of outstanding character and capacity among the Munsiff Court Vakils. From the exact portions read out I am unable to find where that learned Commissioner is casting aspersions on the capacity and intellectual equipment and legal qualifications of the second grade pleaders, When such is his unmistakable testimony about the good quality of the work done by these gentlemen.........

MR. K. C. ABRAHAM (*Kottayam II*): Has not the Commissioner suggested that they should have a separate qualification entitling them to practise in the High Court?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Knowledge grows rom more to more; it is a matter of opinion. I am obliged to speak on this question at some length, provided my friends permit me to do so by not asking to many questions. It requires very little argument to say that for higher education, some greater training is required.

It has been stated here that a pleader has to pass examinations not only in substantive laws but also in adjective laws. For that he has to study the Criminal Procedure Code, the Civil Procedure Code and also subjects such as Medical Judisprudence which a law-graduate does not study to start with. It may interest you, Sir, that for a long time till some years back, the B. L's and Pleadership students were receiving the same lectures delivered by Law Professors who were paid by His Highness' Government. If as a matter of fact these people had not that understanding capacity to profit by those lectures, the Travancore Government would never have permitted it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then may I know, why were they separated subsequently?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Government policy changes sometimes with the favourite views of individual administrators.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know, was the teaching done to suit the lower or higher standard?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Lower and higher are not capable of any exact definition. I take it, Sir, had it not been for the fact that pleadership students were benefited by those lectures and the fact that the higher class, the B. L's got enough advantage from the lectures to pass an examination, Government could not have tolerated that system. In that case I think my friend Mr. Thanu Pillai and others certainly would not have allowed it.

MR. K. C. ABRAHAM (*Kottayam II*): Has instruction come anywhere upon the observation of the Laws Delays Commissioner?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I am not here to defend or condemn the Laws Delays Commissioner's report. I am only selecting a few points from his report to convince the House as to what his testimony is about the second grade pleaders.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand then that the subsequent separation of the Pleadership class was uncalled for and unjustified?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): My personal opinion in such matters does not count. But if Mr. Asan is particular of that, I must say that various wrong things might have been done in Travancore.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know, what was the rational of that classification?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I do not make a proposal to start this system again. If so, I could have fully answered the previous question. But, Sir, I have only a certain time and I do not want to deprive myself of the opportunity afforded to me to have my say on this important subject. I would appeal to my friends to put their questions at the end of my speech when I shall most readily and willingly answer them.

So then my point is that they have been getting lectures and passing their examinations indeed creditably and more than that it will interest you and every right-thinking man that some of the pleadership students were getting more marks than B. L's even in the High Court special test examination (A voice—*hear, hear*) It is such pleaders and B. L's that are functioning together for years and it is such pleaders work that has been certified to be good by the Laws Delays Commission. These people after passing out of the Law College have occasion—

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does the member advocate the issue of sannads to all second grade pleaders to appear in the High Court?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): In deliberative assemblies of the kind there should not be any haste in these matters. I may be given time to develop my argument, Sir.

PRESIDENT: Members will please allow the speaker to proceed.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): After passing these examinations which I consider to be a proper test and which Mr. Thanu Pillai has accepted as a sound test, what is the meaning of saying that some of those people who secured higher marks are inferior to B. L's in their mental capacity. After passing these tests very creditably, they practise in Munsiff Courts and have a larger number of cases than a High Court or a District Court Vakil. So far as I am aware there is no special Transfer of Property Act or Limitation Regulation for the Munsiff Court Vakil as distinct from those in force in the High Court or District Court. If the pleaders have gained that kind of experience, if that fact has been certified by the Laws Delays Commissioner in a fitting manner, to say that such people have not received sufficient education, because of their not obtaining a University hallmark, that they had not college schooling and so forth and therefore they ought not to be given the benefit of practising in higher courts but should still continue to be treated as the helots of the legal profession, that argument cannot count.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Why then the Laws Delays Commissioner recommended the suspension of pleadership classes?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): The member may either ask the Laws Delays Commissioner or Government and not me. I do not represent any of them, and I am not going to give nswers which may not be useful to the House.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know, is it the opinion of the member that the practitioners of the Village Panchayat and Bench Magistrate Courts, if they are found to be efficient, be permitted to practise in District Courts and High Courts?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I have not appeared in the Panchayat Courts. If my friend has appeared, let him tell us what qualifications are necessary for then. Then I shall answer him.

MR. K. C. ABRAHAM (*Kottayam II*): Would the member recommend the vakil's clerks who have had experience and understanding capacity in law, appearing in courts as vakils in view of the fact they are handling a good number of cases?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): That is rather curious. If my Daffadar can be asked to preside because he carries a timepiece and important books and papers then I think the suggestion of the member will have a meaning. The functions are different. A vakil's clerk is so to speak in the commissariat department, not in the fighting line.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Were not once upon a time vakils' clerks appearing before courts?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Yes. At a time when people belonging to the category of unpassed men, like Justice Kunjuraman Nair, whose eminence as a Judge compared with that of any man in any part of the world, were writing judgments which are still the object of our admiration. The vakil's clerks who were found fit might have been given sannad, if they passed suitable examinations. At that time there were only few Regulations in vogue and but a few people practising law. But times are different, there are now so many examinations to pass, not that I am against examinations, and many to pass them. I am indeed proud of the fact that I am a graduate. That does not mean that wisdom can enter into the brains of a graduate only. Wisdom is no man's monopoly. In England, there is considerable difference between a solicitor and a Barrister.

MR. A. THANU PILLAI (*Trivandrum—Rural*): In his experience as Law Professor and examiner, may I know, has not the member noticed that graduates are generally better students of law than school final men?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*)? True, I was an examiner and Law Professor. But I am not prepared to give information on that point. I am giving my views as a member of the House. I have to put myself under some sort of mental discipline.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Because of his experience I want to know whether according to him law graduates are not better students of law generally.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I wish to know whether a member can refuse to give an answer when he is really competent to give an answer.

PRESIDENT : As I have said often, it is entirely open to a member either to answer or refuse to answer. The Chair cannot force a member to answer.

MR. K. PADMANABHAN (*Chirayinkil I*) : What does the member think with regard to the general standard in English obtaining in B. L's?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : As for that matter, Sir, the work of an examiner is a confidential thing and therefore I did not want to answer that question. But this later question I cannot refuse to answer. Teaching of English has deteriorated in the Madras University, So far as I can see as much attention is not devoted to the study of English now as in olden days. I certainly concede the bulk of the people who have passed B. A. are superior to those who study in the pleadership class. But there are exceptions.

MR. K. A. NARAYANA PILLAI (*Todupuzha* cum *Devicolam*) : Is it not a fact that some of the Professors give itstructions in Malayalam?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : I have been there in the Law College for about 12 years and I believe I can express my thoughts in English. I have never heard any lecture being given in Malayalam. In fact that is against rules even.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : Is the member aware that Mr. M. R. Venkitarama Iyer teaches Hindu Law in Malayalam for pleadership students?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : I have not attended the pleadership classes during other peoples lectures.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : May I know, when he attends college, he goes with his ears and eyes shut?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : Sir, I want that question to be withdrawn by the member because that is insulting to ask a man whether he shuts his ears and eyes.

PRESIDENT : I think the Honourable member was more enthusiastic than prudent in putting that question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : I did not put the question in that spirit.

PRESIDENT : May be. But the words carry that sting.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*) : I was certainly not offended. But I wish to take my stand on the privileges of the House.

MR. S. J. NAIR (*Nedumangad*) : May I know whether Mr. M. R. Venkitarama Iyer has been delivering lectures in Malayalam due to his inability to deliver lectures in English?

PRESIDENT : Please do not obstruct the member's arguments.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): There are some important points which I want to place before the House.

It is well-known that some of the Munsiffs have been authorised by law to hear and decide suits of the value of Rs. 2,000 and above going up to Rs. 5,000. The Munsiff Court Vakils do appear in such cases. The higher jurisdiction does not blunt the edges of their capacity and knowledge of law. That being the case, they can as well appear in District Courts notwithstanding the higher pecuniary jurisdiction.

I really find it difficult to understand another argument which has been advanced against the principle of the Bill. It is said that a Munsiff Court Vakil who is a second grade pleader can conduct a case before a Munsiff but not with a District Judge, because his education is defective. The position of the District Judge is more or less equal to that of a District Magistrate who has sufficiently a large jurisdiction in criminal matters. He is also an appellate authority. But an ordinary criminal vakil whose knowledge is confined to the Penal Code, Criminal Procedure Code and the Evidence Act, even he is allowed to appear before a District Magistrate in appeals. If those who appear in criminal cases before a Second class Magistrate can appear before a District Magistrate to conduct criminal appeals, a Munsiff Court Vakil who pleads before the Munsiff can legitimately appear before the District Judge who hears appeals from decrees passed by the Munsiff. In this connection Mr. P. K. Narayana Pillai raised a point which I very much appreciated. What he stated was, that a person can appear on another's behalf by a power of attorney. There is no limit to the number of powers of attorney which may be held by one person for another. So, a man practically may appear in 10 cases or in 1,500 cases.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know the proportion of cases by power-of-attorneys?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): I have not collected figures.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know, is it an appreciable number?

MR. T. K. VELU PILLAI (*Trivandrum - Urban*): I did not expect such a question.

My argument is that so long as no restriction is placed on the number of cases in which a person can appear on the strength of powers-of-attorney, a vakil is not less competent and therefore may appear before the District Court with advantage. Take an analogous case. Government allow a man who has no degree or other qualification to practise medicine. But in the case of power-of-attorney, he does all the work which a vakil generally does.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*); In that case, why change the law?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am not surprised. I do not say that should be continued for ever. I am only taking a parallel case to show that the public will not be in jeopardy because the second grade pleaders are allowed to appear in appellate courts. If the public are in jeopardy, I am quite sure, the Law Member himself would take steps. I am not surprised at the Law Member's question at all. Therefore I maintain without fear of contradiction that the Travancore Government which hitherto recognised, them will not be able to—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably my friend has not grasped me. My question is if the power-of-attorneys could function as vakils, why change the law.

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am stating a fact.

MR. K. C. ABRAHAM (*Kottayam II*): If that be so, should there be any gradation of vakils after all?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): That is a hypothetical question.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Has the member any objection in allowing all persons who are entitled to practise to appear by power-of-attorney as is done in England?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): So far as that matter is concerned, I may assert no sensible man will accept that proposition.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know why?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): I am not prepared to give reasons.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Am I to understand then that the member's argument on the basis of attorney is not sustainable?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Intelligent people will be able to find the distinction. There are various things which one should understand without any explanation.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then may I know what the member means by saying "power-of-attorney"?

MR. T. K. VELU PILLAI (*Trivandrum—Urban*): Each man must take his chance of understanding. I am not going to function as a Dictionary.

Take the case of medical men. There are L. M. P's, L.M.S, M, B.B.S. and so on. Is it anywhere said that an L. M. P. should not treat that case because he has only a lesser qualification. If medical treatment by a less qualified person was dangerous, the Government would not have allowed that, because human life is certainly sometimes more precious than property. If therefore an L. M. P. can attend that case or cases more serious than that, why should not the same rule be applied in the case of the legal profession, leaving the matter to the choice of the party? If Upper Subordinates in the P. W. D. are very often

[Mr. T. K. Velu Pillai.]

made Assistant Engineers, it is proper that a man who possesses knowledge in law which has been certified by a public examination like the pleadership can rise to the highest level. If knowledge grows, it should be allowed to rise above arbitrary horizontal lines. If it is discovered that a particular class of pleaders are really superior, I think they should be encouraged. I may say Bentham on whose learning much of the structure of law in civilized societies now depends did not practise in courts. Most eminent Judges of the High Court who were not graduates, for instance Justice Kunjuraman Nair and some others, never went about saying that because they were not graduate judges their opinions should be upheld. It is intelligence, it is character, it is legal acumen that is the essence, and the Laws Delays Commissioner certifies that the second grade pleaders are all good in that respect.

About migration, I wish to say a word. Whether in Munsiff Court or District Court, no man wants to lose a chance of getting briefs. Unless therefore one feels that he can do well and is satisfied as to his own capacity, he will not think of seeking his fortunes where there are many persons superior to himself. In fact, that is the rule of wisdom. So that then my friends need not be afraid of any unhealthy competition. What is the meaning of saying to second grade pleaders, "your ambition has no scope, you must remain where you are. Measures will be brought to alleviate the sufferings of the depressed communities, those who are depressed in education, in health etc., will all be encouraged. But you are a class who should remain in an unchanging inferior position". Such an argument is really unfortunate. That is a most bewildering and disheartening situation. If there is no hope, no enthusiasm, these people will not be able to practise at all times even in Munsiffs Courts, for their self-reliance and intellectual vigour will slowly ebb away. And the subjects of His Highness the Maha Raja will stand to loss. For, as the poet says:—

"Where no hope is, life is a warning,
That only tends to make is glee,
That only tends to make us grieve,
With oft and tedious taking leave".

I do not suggest by this that the principle of examination qualifications should be dispensed with. One can find now in public life as editors and orators and men who wield the destinies of the world like Mr. Lloyd George. They have been getting from the lowest step higher and higher. They have been able to establish a world-wide reputation in spite of the fact that they are not graduates of any University. Though I am proud of the fact that I am a graduate I do not cry down others. If in political and social matters they can establish their name, certainly second grade pleaders who have been doing the work for a considerable number of years ought to be able to do well before District Courts or for that matter in the highest appellate court of the land. Therefore, Sir, pleadership people who have been doing the work in an exemplary manner, whose work has been appreciated even

by the Laws Delays Commissioner in such glowing terms ought not to be discouraged or prevented from appearing before appellate courts simply because they had not the wealth or opportunity to go to a college and get a degree.

Even technically the present Law College was at first called a law school. The pleadership students were undergoing tuition along with B. L's. They sat with people of high distinction and sometimes fared better than the latter in examinations.

Even in regard to a University what I say is, it is an association of teacher with teacher, student with student and teacher with student. It is not a University degree that is important. It is intelligence and association which count. When these people have a trainining under eminent Professors there are all the safeguards.

I was very glad to hear yesterday Mr. Kayalam saying, with regard to another Bill, although a case has not been made out to examine a point, it was sent to the Select Committee. I am able to say many people have taken that view.

MR. PACODE A. NARAYANA PILLAI (*Vilavunkod*): I rise to a point of order. Is the Honourable member in order in quoting what one member said in connection with another subject?

PRESIDENT: In order to develop his argument, a member will try to get whatever authority he could and naturally the member thought that the Law Member who is an authority in this House could usefully be utilised in support of his argument.

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Sir, this is not the first time I am taking this view on this questson. Some 12 years ago I presided over the second grade pleaders' conference which urged the necessity of improving their lot. I know many others who held the same views The late Rao Bahadur Krishna Iyengar whose experience of the country was not inferior to that of any one else now living (*Hear, hear*) who was an ornament of the profession, who was respected throughout the State and outside, was of the view that the principle underlying Mr. S J. Nair's Bill is good. The same, I am told now, is the view held by Mr E. Subramonia Iyer, who is a distinguished lawyer. I do not want to say that because they have said so, everybody should accept it. Each man, when he gives an opinion educates the world, and the world makes a comment. But I may support the position which others have taken. I would appeal to the members to consider this aspect not from any high academic self importance but as a common matter and as an affair for which a sympathetic consideration of the question would be useful to the subjects of His Highness and also useful to a considerable section of law-abiding, able and influential lawyers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I know, what is the number of such second grade pleaders?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): About a thousand. All these one thousand are not the one thousand picked up at random.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Will the public interest suffer owing to want of this legislation?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Certainly. That is my view.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is it the member's view that the present number of vakils in District Courts are inadequate to meet the public demand?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): That was not my idea, I only stated that these people may also be allowed under certain conditions.

MR. K. C. ABRAHAM (*Kottayam II*): Is it the member's view that public interest will be advanced by allowing the second grade pleaders to practise in District Courts?

MR. T. K. VELU PILLAI (*Trivandrum-Urban*): Certainly. What I say is, these people also may be allowed under certain conditions.

PRESIDENT: Before I adjourn the House I think I had better dispose of the point raised by Mr. Asan in regard to the carrying forward through the proceedings of the day all those questions which have appeared in the agenda but have not been answered before the expiry of the time. Mr Asan brought to notice the fact that it will be more convenient if the questions and answers which were not delivered at the floor of the House today are not regarded as being adjourned to the next day of the meeting whenever it might happen I have an impression that this same question had arisen at an earlier session of this House, namely, on the 28th May 1934. On looking through those proceedings I find that I had expressed on that occasion exactly the same view which I do today. What I said was:

> "The time allotted for questions has expired I want to put it for the consideration of the House whether it will not be desirable for the members, even in respect of questions which have been starred and for which they were to get oral answers, to treat the remaining starred questions as unstarred, so that such questions and their answers may also be incorporated in the proceedings. That will help them to get answers to such of their questions as could not be answered orally on the floor of the House on account of the clock striking twelve. If they come into the proceedings, members can go through them and if necessary frame fresh questions for the next session with respect to the same subjects. If the House is agreeable to the suggestion, that can be so arranged."

There has arisen an important difference between the procedure adopted then and that now in vogue. The procedure adopted then was that answers to starred questions were delivered orally on the floor of the House without the member knowing what the answer is to be. But the system now in vogue is not merely the questions but also their answers are placed on the table. The House therefore is now in a better position than before. When that procedure was put to the House I find Mr. P. K. Narayana Pillai was good enough

to say that that suggestion was an acceptable one and then the record is "accepted *nem con*." So I think, on the whole, I adhere to the view that I then expressed, which the House accepted, and there is no reason whatsoever to change that procedure.

The House rose for lunch at 1·5 P. M., and re-assembled at 2 P. M., the Deputy President presiding.

MR. K. C. ABRAHAM (*Kottayam II*): I wish to oppose the principle of the Bill as set forth in its present form. It is a matter far ,well known that Travancore is reputed to be a very enlightened country not only in Travancore but even outside. We have been practising the law for some years now so that all people can understand as to where our moorings are in this matter. In a measure of this kind it is not possible unless we keep clear of external influences and concentrate our attention upon the principle embodied in it to bring in anything like an accurate or correct verdict upon it. Now as it stands we see that it is meant as a sort of encouragement to that class of practitioners in the mofussil known by the name of pleaders, and it is only right that we should extend our help and support to those that are working in their legitimate fields. Sir, I think it is a sort of discovery at this time of the day that it is expedient for the administration of justice of this land that the Second Grade Pleaders practising in the Munsiffs Courts should be permitted after a term of service to be enabled to practise in the District Courts and from there as vakils possibly in the High Court. Upon the principle of it I do not think it is necessary to take up much of the time of this House. As I said, we had sufficient experience of the law and we have taken the experience of those outside Travancore and those practising in other courts to take the cue of what is necessary for us. Legislation in this State has been undergoing some change in this direction, not possibly in the direction now indicated in the Bill, but just to the contrary. On a suggestive question put by the Law Member to an Honourable member speaking in this House, I understand that originally even vakils' clerks were allowed to enrol themselves for the purpose of advocating the cause of clients. Subsequently a sort of examination or selection was ordained for the purpose of settling the qualification of such people and then the University examination came and it was possible for us to train better and sounder lawyers for the purpose of advocating the cause of the clients in law courts. Sir, this measure, as it stands, would be something like retrograde and shall not be conducive to the better or sounder administration of justice. Though the principle of supply and demand and the principle of free choice of the vakils by the clients may obtain, yet I would like there be something recognised as a paramount responsibility of the State and an absolute necessity for the better and sounder administration of justice. They must in all cases outweigh consideration, other than absolute requirements of the State and the Judiciary is bound to contribute the best means to attain them both for the vakils and for the ordinary clients. Speaking upon the merits of the aspect of this question that I have been dealing with, I understand that it is

[Mr. K. C. Abraham.]

the prime necessity to advance public justice in the State and not to retard it. As a matter of fact, there is nothing to be said about the pleaders' capacity and all credit is due to them in so far as the discharge of their duties is concerned. Whether they are efficient for the higher walks of the profession or abreast of all the niceities of law, whether they can be entrusted with the greater administration of justice in the superior courts is a matter which concerns not only the client but also the State which is the ultimate repository of all justice. I shall refer to a casual remark in the High Court of the State when a precedent was challenged and when the point was permitted to be argued. It was remarked that in the previous case the point was not enlarged by the counsel. It depends more upon the practitioners, that faculty which holds high the administration of law, than even upon the Judiciary to help the moulding of justice in this land. There is no use complaining about the reports and there is no use of facilitating the infliteration of what I may call the unconscious considerations of what are supposed to be principles of equity into law. Equity follows the law and the law should be learned. Of course, I dare say that if those principles do not follow the law, they would be similiar to the principles that exist in the administration of Village Panchayat justice. If that is the kind of law to be the desideratum of the superior courts also then this Bill must perforce have its preference. To open a consideration upon the requirements of the legal practitioners, as I understand it, I believe there is sufficient justice to maintain the form of those who try to practise and are now practising after graduating in Universities and after taking the highest course that are available in law. I cannot understand why their places should be sought to be supplanted by inferior metal from the subordinate courts. I do not deny that some of them are brilliant and can be equal to any brilliant man of any court in the matters to which they are called. But, we, those practising in the High Court, know how difficult it is a matter when a man of inferior qualification has laid some wrong foundation for a case and that foundation has been carried up to the appeal court and all doors are thereafter shut never to be reopened. How difficult it is for those practising in the High Court, when, as often happens, points are lost by the misconduct of the case in the subordinate courts, we all know. Sir, all those can be said and possibly more against this Bill. I suppose however, that as certain sentiments of generosity have induced Honourable members on this side of the House to take a leniant view of these aspirants, it is only right to make certain suggestions as to how their position can be bettered. Not that this Bill, if introduced, is going to make any change in the practical working of the law or any advantage upon those people who are going to be called as vakils of the District Courts. As it now obtains, I can say, having practised in the District Court long, that there are several qualified persons who are enrolled in the District Courts; but as a matter of fact, how many of them are engaged? I believe it

is the case with the 81 persons mentioned in the Law's Delays Committee's report. They are not sufficiently encouraged by the clients. It may be that some of the clients will not be prepared to entrust their cases to those people and suffer the consequences. But whether they could be, as a matter of judicial policy, permitted to do so and justice of the public could be allowed to be handled by those persons who are practically ignorant of the principles is worth anxious consideration.

I would therefore, though opposing the principles of the Bill, suggest that if certain modifications are made in the Bill there may not be any very serious objection for it going to the committee stage. In the first place I submit that it is absolutely necessary that the provision for those persons who are now practising as Second Grade Pleaders and those who are to be promoted, the provision suggested in their favour, to be called to the High Court after seven or more years of practice, should be entirely eliminated. That is one absolute essential condition that we have to put against this Bill if at all this Bill is going to be considered. A period of seven years practice has been prescribed as the minimum period during which a Second Grade Pleader may be allowed to practise and then qualify himself for promotion. I consider that, with the limited experience and knowledge of the Second Grade Pleader this is too short a period. I would have no objection to fix it at 12 years, But if it is put down as 10 years, I think it would be a moderate measure.

Thirdly there is another objection which I would like, if the mover is prepared to take it, that it is not enough to practise for 10 or 12 years in the subordinate courts but, having practised, they must show that they are qualified as a matter of fact to be entered in the list of superior pleaders practising in higher courts and therefore I would suggest, if possible, there should be a further examination qualification than the one that they have passed through and it might be imposed upon them in order to enable them to qualify for promotion. If these three conditions can be unconditionally accepted by the mover and if he is amenable to these modifications as the Bill goes to the committee stage, my submission is that there is not going to be any disastrous effect upon the administration of justice or upon the practising vakils or upon the litigant public. With these remarks and opposing the principle of the Bill as it now stands, I yield to the consideration of the House.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): After a careful study of the principle of the Bill my own opinion is that the Bill seeks to introduce a vicious principle. It takes away from the High Court, the highest tribunal in the State, the power to decide as to who should be allowed to enlist themselves as pleaders in that court and in courts subordinate to it. Sections 4 and 5 of the Vakils Regulation which embody the present law are to the following effect.

Section 4 says :—

[Mr. R. Sambasiva Aiyar.]

"The High Court may, from time to time, make Rules with Our sanction, consistent with this Regulation, as to the following matters, (namely) :—

(a) the qualifications, admission and certificate of proper persons to be vakils of the High Court and subordinate courts ;

(b) the fees to be paid for the examination of such persons ; and

(c) the fining, suspension, transfer, degradation and dismissal of vakils "

Section 5 says :—

"Subject to the Rules under Section 4, the High Court is empowered to admit Vakils to the High Court and the subordinate courts."

Thus, the jurisdiction is vested entirely with the High Court. What the present Bill wants to do is this : it says that the High Court shall have nothing to do in this matter; the Legislature will determine as to who should be enrolled as vakils in the High Court and in the subordinate courts. Therefore the principle embodied in the present Bill is that sections 4 and 5 as now constituted be entirely eliminated and a new principle, the principle that the Legislature should determine as to who should be entitled to practise in a court of law introduced. That is the principle embodied in the present Bill. Can we accept that ? That is the question. The High Court, as I have already submitted, is the highest judicial tribunal in the State. It is not even like the Madras High Court or the Calcutta High Court. It is something like the Privy Council which has got appellate jurisdiction even over the High Courts in British India.

The High Court is the tribunal that lays down the law, both civil and criminal, for the whole realm of Travancore and there is no appeal from its decision. That body may be safely entrusted with the discretion to frame the necessary rules relating to the recruitment to the cadre of vakils. The Legislature, now, seeks to take away this power from the High Court . but in this particular sphere, the sphere of law, I think, we should take it, that the High Court knows things better, can act better and determine as to who should be the proper persons that can plead there andwho are those that can plead in the subordinate curts. Let us see what the rule is outside Travancore. I believe, in British India, it is not laid down as to who should practise in a particular court. There, the High Court constitutes the Bar Council. The Bar Council will frame the necessary rules. The High Court approves of all these rules and it is according to these rules that qualifications for the vakils who practise in the various courts are determined. Therefore, I propose to confine myself entirely to this aspect of the question alone. I consider this as a preliminary objection which should be allowed. This preliminary objection has, in my opinion, not been sufficiently answered by the mover. The mover of the Bill begins by saying that there is no legislative enactment as to who should be vakils, and that the position should be determined by the Legislature. And now that is the one thing that I object to. The Legislature should not say as to who should be enabled to practise in a particular court. These are matters that should be left entirely to the High Court. Then as regards the other questions raised, they are

not relevant to this issue. There may be particulary clever second grade pleaders. Amongst them there are persons who are qualified to practise in the High Court itself, not merely in the District Court as the mover of the Bill thinks. Well, I have nothing to say against the efficiency of those persons. There is already a machinery. There is the High Court which makes rules regarding recruitment of persons who are qualified to practise in the High Court. They have framed certain rules. These are embodied in the Civil Court's Guide. These rules are defective in some respects that is what the mover of the Bill says. The proper thing is, for the mover of the Bill and persons who think like him, to approach the High Court, so that the High Court may pass different rules, rules to enable deserving persons, if they are already prevented from doing so, to practise in the higher courts. Instead of that, a new Bill has been brought. I object to the principle; and by this one preliminary objection, Sir, I submit that the principle of the Bill should not be accepted and that it should be rejected.

DEPUTY PRESIDENT : Is it your contention that this House is not competent to consider the Bill ; do you say like that ?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : I am not saying, Sir, that this House is not competent. What I say is that it would be unwise to interfere. No doubt this House possess certain powers of enacting laws, but it would be most unsafe, most foolish for it to interfere in such matters. Because this is a matter about which the High Court has practical knowledge, about which the High Court has, as I submitted, special knowledge. Let us not interfere with the discretion that has been entrusted widely with the High Court by the framers of the Vakils' Regulation. If the rules framed under sections 4 and 5 work hardly on certain persons, then the High Court may be approached and the rules suitably amended. Therefore this law should not be enacted by us.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose this Bill. This Bill seeks to lay down the qualifications required for the admission of persons as vakils in the various courts *viz.*, the High Court, the District Courts and the Munsiff's Court, and the principles involved in this Bill may be stated to be two-fold. These two principles may be explained best with reference to the existing law. As has been pointed out just now by Mr. R. Sambasiva Aiyar, the existing law is that the qualifications necessary for the admission of any person as a vakil in any of these courts have to be prescribed by the High Court. That may be seen from sections 4 and 5 of the Vakils' Regulation. I shall not take up time by reading them. According to these provisions, it is left to the judgment of the High Court to determine from time to time what the qualifications should be for the admission of any person as vakil in any of these courts, whether it be the High Court, the District Court or the Munsiff's Court. It is entirely left to their judgment and discretion to determine what the qualifications should be, and they have prescribed those qualifications from time to time. What the present Bill proposes is to eliminate altogether that judgment and discretion of the High Court.

MR. S. J. NAIR (*Nedumangad*): May know from the member whether the judgment is written only after hearing the other side also.

MR. KAYALAM PARAMESVARAN PILLAI (*Additonal Head Sirkar Vakil*): And it is proposed to lay down by the legislative enactment itself, what the qualifications shall be: and the qualifications as laid down will of course remain, I am bound to say, until perchance at some future time the legislation is amended. Thus then the first principle of the Bill is to eliminate altogether the judgment and discretion of the High Court in regard to the determination of the qualifications for vakils.

MR. K. R. ELENKATH (*Kalkulam I*): Is it his view that the power of fixing qualifications should be laid in the hands of departmental heads?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I do not propose to answer that at present. Sir, as I stated, the law as it stands at present is sought by the Bill to be varied and the judgment and discretion of the High Court is sought to be eliminated altogether. Further there is no proposal in the Bill to create any expert body, even though it may not be the High Court, for prescribing the qualifications necessary for vakils. What is proposed is that the Legislature itself should lay down the qualifications and that these qualifications should remain for ever or until perchance at some future time the law is amended.

Next as regards the second principle of the Bill too, I shall state at first what the present law is. The existing law as regards the qualifications necessary for admitting a person as vakil in the various grades of courts is this. The law-graduates are eligible to be enrolled as vakils of the High Court, the law-graduates and the first grade pleaders are eligible to be enrolled as vakils of the District Courts and the second grade pleaders are entitled to be enrolled as vakils in the Munsiffs' Courts. Such, in essence, is the existing law. Now, what is proposed by this Bill is that the first grade pleaders of five years standing shall be enrolled as vakils of the High Court, and that second grade pleaders of seven years' standing shall be enrolled as vakils of the District Courts. This is the second principle involved in this Bill. I would say that this principle is literally a retrograde principle. For, about thirty years ago there was a rule which permitted first grade pleaders to be enrolled as vakils of the High Court. There was also a rule which likewise permitted second grade pleaders to be enrolled as vakils of the District Court, some thirty years ago. Those rules were altered into the rules as they are at present. The second principle of the Bill then is that we should go back to a position of thirty years ago. Sir, I object to both the principles of this Bill. The supporters of this Bill sought to support the two principles, so far as I am able to understand it from the speeches made in support of this Bill, on the sole ground, in any event on the main ground, that they conduce to the advancement of a class of deserving gentlemen, namely the second grade

pleaders. Sir, every man is ambitious and I shall not abject to anybody being ambitious. The ambitious class in the present instance, numbers, we were told, about a thousand or 1,200 individuals It is for the benefit of those that the Bill is promoted. I think that it proceeds on a misconception of the purpose of the rules for the admission of vakils. These rules are never laid down for the purpose of securing employment to a few people or to a class of people and to exclude the others. That is not the purpose at all. And if I object to the Bill, I do so not on the ground that the Bill widens the field of employment and opens the door to admit more men into coveted fields of employment. It is not for securing a monopoly to a few individuals that the rules exist. I will not object to the Bill merely on the ground that the field of the law-graduates will be overcrowded with the second grade pleaders. If I object, I do so only on the ground of public interest, and I would appeal to the House that they should consider that and that alone when they proceed to divide on this Bill. Sir, let me repeat that the only question to be considered is whether this measure will advance the public interest or not and not whether it will advance or give promotion to or give scope for further employment to a certain class of gentlemen. Now, Sir, I maintain that on the ground of public interest neither of these principles in the Bill can be accepted. Before I proceed to make it out let me draw attention to a small but important point. It is clear from the Bill itself that Mr. S. J. Nair does not want to give to the law-graduates on the one hand and to first grade and the second grade pleaders on the other the same kind of privilege. So it may be taken to be a common ground that a distinction does exist between the two classes, the graduates and the pleaders and also between the first and second class pleaders. I want the House then to remember that the Bill and the supporters of the Bill agree in effect that the pleaders are second class material and the B. L.'s first class material, for, they do not want to place the law-graduates and pleaders on the same footing, and pleaders are not given in this Bill the same privileges as the law-graduates and the former occupy a lower plane. It seems therefore to be implicit in the Bill itself that the law-graduates are first class material and the pleaders second class material. It will be conceded also that everybody will give preference to the first class material and will seek second class material only when the first class is not available.

Now then the question is whether the two principles involved in the Bill are in the public interests. I would say that in the public interests neither of these principles can be accepted. This can be readily seen if we think for a while why there should be a class of lawyers, a limited class, and why the law should insist on certain qualifications for a vakil. Let us first of all see therefore what the functions of a lawyer, a vakil, are, and that will give us a solution to the question why the law lays down that so and so alone shall be eligible to be vakils.

[Mr. Kayalam Paramesvaran Pillai.]

The function of a lawer is two-fold. One is to assist the litigant. The second is to assist the court. Litigation has become a complex matter. Civilization and human ingenuity have made the dispute between people increasingly complex. The person who has to resort to the court has therefore to rely on some expert to assist him; the lawyer is this expert and to assist the litigant is the first function of the lawyer. Having regard to this fact, we want in the person to whom the litigant may turn for help some definite qualifications. He must first of all have ability or efficiency, a sound legal training, an analytical capacity to sift real substantial things from the useless things and over and above that, he must have character and I would emphasise it because litigation having become a very complex affair, the litigant entrusts and has to entrust the whole thing to his lawyer. Litigants themselves will not be able to understand whether the lawyer has done the work properly or not, the litigant trusts implicity the lawyer and the conscientiousness of the lawyer would be the only incentive to do his best for his client.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the University qualification goes with character or with any other qualification ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am trying to say that the lawyer must have efficiency and character. The lawyer in whom the litigant puts his trust must be a conscientious man. He must of course be honest too or else he may sell his clients cause to the opposite party.

MR. K. R. ELENKATH (*Kalkulam I*) May I know whether the University qualification goes with character or with any other qualification ?

DEPUTY PRESIDENT: I think Mr. Elenkath's question is relevant. It is for you to decide whether it should be answered or not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) Sir, just now I am trying to lay down what the lawyer, whoever he be, must possess, in efficiency and character.

DEPUTY PRESIDENT: I gave a direction that you may decide whether the question may be answered or not.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I will answer it later.

DEPUTY PRESIDENT: If at all the Law Member gives an answer I propose he should give it now and not later. Mr. Elenkath, please put your question.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether character is the monopoly of the degree-holders?

DEPUTY PRESIDENT: Now you put it in a different form. I deprecate that.

MR. K. R. ELENKATH (*Kalkulam I*): I would like to know whether character goes with University qualification ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar

Sir, I was telling the House that in regard to one function of the lawyer, namely, rendering assistance to the litigant he must have efficiency and character of a particular type. This efficiency and character are the more required as regards his other function, namely assisting the court. The judge sits there as the representative of the king. He has to decide the truth of the cases *i. e.*, to say who is wrong and who is right and it is with the help of these lawyers that the judge decides the cases. Various and numerous cases come before the court and even in one single day, it is not one case but some 15 or 20 cases that are before him for investigation. If the judge has to do all things himself and study everything himself and judge matters, look at the time he wants. Under that consideration he may not dispose of even one case a day. But when there are lawyers on both sides, they study the cases and put the essential things before the judge and he finds it easy to come to a conclusion. But the duty of judging is on the judge and he administers the king's justice. If the judge be at fault or if the lawyer be at fault, if justice suffers, it is the king's justice that suffers. So the lawyer must be of special efficiency and character. He must be a man of exceptional ability and exceptional character. So then having regard to the dual function of the lawyer we want the best material to be enrolled as lawyers so that they may carry out their work efficiently and satisfactorily. In England there is only one class of lawyers namely Barristers and there is no second class. That is because the Bar has been in existence for a long period and they have got the best material and admit the best alone. But in India, the institution of Bar is I believe of recent origin and formerly there was perhaps no restriction as to the persons who may appear and plead on behalf of another. The Universities produce law graduates who as said above is first class material. But at the outset they did not produce the law graduates in sufficient number and so, non-graduate pleaders, also were admitted as vakils.

Now in Travancore, the institution of vakils began only in 1040 and at that time we had not the best material of law graduates at any rate in sufficient numbers. Naturally therefore what happened was that second class materials had to be admitted not because they were considered the best but because the best materials were not available in sufficient numbers. That there should be sufficient number of lawyers must be admitted, otherwise it will work injury upon the litigant public and the court. Therefore second class material had to be admitted. But as days advanced first class material was increasing in large numbers so that it became possible to eliminate second class material day by day. As a result of this, the first grade pleaders who originally were eligible to be enrolled as High Court Vakils were excluded from the High Court and second grade pleaders from the District Court, and first class materials viz., the B. Ls. who were coming in large numbers were alone admitted to the High Court.

[Mr. Kayalam Paramesvaran Pillai.]

Now therefore there is no sufficient justification for admitting second class materials when first class material is available in large numbers.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): May I know from the member whether if the number is not sufficient in the first class, second class materials can be admitted ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In that case the second class material has to be admitted because there is no other go.

I said that the first principle underlying the Bill is to take away from the High Court altogether the power of prescribing the requisite qualification for the admission of vakils to the various courts. It will be conceded that the High Court is the body entirely and solely responsible for the administration of justice in the country. We are not concerned with the personnel but with the institution. Every Honourable member will admit that it is in that institution that the life, liberty and political rights of the people depend. If the High Court is the body charged entirely and solely with the administration of justice in the country, it is that body that should lay down who would be fit to be admitted as a lawyer and who would not be; in other words, it is that body that should prescribe the qualifications for lawyers, unless we can find another body with equal responsibility and expert knowledge for the same purpose. In England for example, the qualification is prescribed by the Benchers composed of the judges of the High Court and leaders of the Bar. But here the High Court is the only body available. As they are charged with the administration of justice they know what materials they want, and they know how much they want and what they want. Even assuming for a moment that it is possible to mainiain that second grade pleaders can be admitted to superior courts the body that should decide it is the High Court. I may say in this connection that in almost all the countries, excepting in England, this function of prescribing from time to time the qualification for lawyers is done by the highest tribunal of justice in the land. That is the case in most places. And that seems the most natural and appropriate thing. Then why should we here alone take away that function from the highest tribunal of justice and lay down, in effect that the High Court shall not have a voice to say who is qualified to be a lawyer.

I did not hear anybody excepting perhaps Mr. S. J. Nair offer any word of explanation in support of this position, that the High Court should be denied this function of admitting lawyers. From the reply to various representations made to the High Court and from the answer to interpellations given on the floor of this House it must be plain to everybody that the High Court having considered the matter have come to the conclusion that there is no necessity to ravise the qualifications of vakils as they stand at present. It is almost as a reply,

a challenge to the High Court that this Bill comes and purports to tell the High Crurt, as it were, that if you behave like that, we will take your powers altogether.

It will be seen that the wording of the Bill is that such and such persons shall be admitted as vakils. The wording that the member uses in section 4 of the Bill is "The High Court *shall* admit.................." It simply commands the High Court. They are totally denied any discretion in the matter. It is not even a question for their consideration. They *shall* do it. That is the position in the Bill. Will the House accept this position, in which a command is being conveyed to the High Court, the body who is responsible for the administration of justice? Sir, I strongly object to this kind of attitude that is taken up in the Bill and I think tkat that is a very fundamental defect in this Bill.

Then in regard to the other principle, namely, the admission of the second class materials into the field where first class material alone is admitted at present, let me say at once that I do not mean any reflection on the second grade pleaders or on the very many eminent men who come within the body of second grade pleaders. But Mr. S. J. Nair has himself admitted that a B. L. is superior to one who has but passed the pleadership examination.

MR. M. SIVATANU PILLAI (*Povala*): May I know from the member where he says that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He says in the Bill that a law graduate may be admitted as a High Court Vakil after one year of practice in the District Court whereas in the case of a first grade pleader the provision is that he be admitted only after 5 years or so. That is a clear admission of the superiority of the former.

MR. K. R. ELENKATH (*Kalkulam II*): May I know from the Government whether a law graduate has not to qualify himself in some of the subjects prescribed for the second grade pleadership examination before he can enrol himself as vakil of the High Court after one year's practice in a District Court.?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At present it is so. But at a time when there was paucity of law graduates, it was not so. When law graduates began to come in large numbers, the High Court wanted to make the material better and better as much as possible and they prescribed a further qualification.

MR. A. EASWARA PILLAI (*Kalkulam II*): In that case are not M. A. M. Ls. better than B. A. B. Ls. and could not there be a rule that the former alone would be enrolled in the High Court?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They may be better; if so the High Court may changa the existing rule, provided you get the M. A. M. Ls. in sufficient number. That is an essential condition.

[Mr. Kayalam Paramesvaran Pillai.]

What I am saying was that Mr. S. J. Nair's Bill accepts clearly the position that the pleaders are second class material, and he wants us to accept the principle that the second class material should be admitted into a field to which they have no admission now and from which they were driven out, if I may be permitted to use that expression, a quarter of a century ago.

As I stated a few minutes ago, there was a time when the first grade pleaders were admitted as High Court vakils and second grade pleaders as District Court vakils. But in the year 1070 or so a rule was made that only graduates-in-law should be eligible to be enrolled as High Court vakils. The High Court did this not because they wanted to give a greater room within the field for the B. Ls. That was not so at all. It was done in the public interest and the public interest alone. The object was not to give better scope of employment to the graduates-in-law or on the other hand to deny employment to those pleaders who were excluded. Public interest requires that the best material, if available in sufficient numbers, should alone be employed as lawyers. I am putting emphasis on this point because it was stated that the existing rule is one that denies promotion to and limits the scope of employment of the first and second grade pleaders. Having regard to that I must repeat that these people were taken out of the field not with the intention of finding more employment to the B. Ls. but in the interests of the public. Public interests required the best material. So the new rule was enacted. In other words, when we got the best material in sufficient numbers the second class materials were excluded.

Now, I shall answer the question of Mr. Elenkath as to whether character and culture is the sole monopoly of graduates. I do not say that it is the sole monopoly. I shall not say that it will not be found in any member of the second class. But we can go by only certain general rules. We cannot afford to try each individual by an examination or by some other particular method. We must adopt some general rules and those general rules lay down that a graduate in law is the better material. At once you should not turn round and ask, is there not character, good material among the second grade pleaders. Such a question cannot be answered except by saying yes and no. If this rule was laid down to provide employment for a few individuals, namely the B. Ls, then certainly we would be doing injustice to others, the pleaders. But we are laying down the general rules in the public interest alone and the general rule is that a law graduate is better material than a second grade pleader, as is implicit in the Bill itself. In laying down general rules in the public interest it may be that they work hard on some individuals. But we cannot help it as we can never allow public interest to suffer.

The House must remember that giving employment to some individuals or to a class of individuals or not giving employment to

them is not the question. What the House has to consider is the public interest and public interest alone namely the effect of it on the administration of justice. Second class material may be admitted when the first class material is not available in sufficient numbers. If the argument had been that there is not sufficient first class material and therefore let us admit the second class material, I could understand that. It is on this point that the question of over-crowding in the Bar comes in, and the maxim of the survival of the fittest was advanced as an argument by the supporters of the Bill. When we say that the Bar is over-crowded it is but a partial truth. But add "with the best material". Then that is the full truth. The Bar is over-crowded with first class material. With regard to the number of practising vakils the Law's Delays Commissioner says that there are 764 graduates in law and 1,008 pleaders. This was some years ago.

Now, we may have to add some hundreds more and we have got 1,200 or so law graduates practising. And so it can be readily seen that the Bar is over-crowded with first class material.

MR. M. SIVATANU PILLAI (*Tovala*) : Why should not the Government think of abolishing the Law College ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Laws Delays Commissioner has recommended this to Government in his report. This is what he says in para 910 of his report:—

> "The question, however, is not whether the pleaders in the past have not been a success, but whether in view of the large increase in the number of practitioners with higher qualifications, some means could not be devised whereby their services could be more fully utilised without at the same time eliminating the class of vakils known as the "pleaders". There is a large volume of opinion among the witnessess examined in connection with this enquiry that the Pleadership Examination might be abolished. Some have even gone the length of suggesting that the Law College itself might be closed for a few years so as to arrest the constant and growing inflow of vakils".

MR. M SIVATANU PILLAI (*Tovala*) : Is it not a profitable concern ?

DEPUTY PRESIDENT : That question does not arise when we are concerned with the admitting of second class pleaders in the District Court and in the High Court. We have not anything to do here now about the financial policy of Government.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, there are about 1,200 law graduates practising in the various law courts of the State now besides of course the pleaders. It was admitted that there was over-crowding in the Bar and it was over-crowded with first class material. But it is asked, why not open out the door to the second class material too ? The answer is that it cannot be when public interest is taken into consideration.

Now, Sir, with regard to the abolition of the class of pleaders. There has been a motion in the Legislative Council to the effect that the pleadership classs should be suspended. And the Government have suspended it as a temporary measure because there was already over-crowding in the profession. The High Court Bar Association also

[Mr. Kayalam Paramesvaran Pillai.]

passed resolutions to the same effect to which the High Court too has had reference. They say there are sufficient number of law graduates and even overcrowding of the Bar with B. Ls. Then why increase the number by second class materal. That is the reason why they in British India have abolished pleadership classes. And we are also trying to do it here. The unemployment committee too is of opinion that there are too many B. Ls. and says in paragraph 29 :—

> "The number of B L's and pleaders practising in the Courts of the State has increased from 1105 in 1922 to 1.640 in 1927 or nearly 50 per cent. The number of B. L's and first grade pleaders increased in the last six years from 436 to 700 and the number of second grade pleaders from 669 to 940".

Now, Sir, if assuming that the law graduate is the best material which is implicit in the Bill and the Bar is over-crowded with them, on what ground can the door be opened to let in the second classs material? I do not see any reason why we should take the retrograde step and go back 25 years and bring back a state of things which existed about quarter of a century ago. The only argument advanced in support of the Bill is. "Please give them more employment and scope for promotion and more bread. Here is a deserving class of people. Here are 1,200 deserving gentlemen so please give them more employment." That is the only argument that I heard. I say thst the House should not be guided by that. We must consider public interest alone. Suppose we admit these second class materials. Will that be to the best interest of the administration of justice? That is the point. What we ought to do is to keep in view the public interest alone. Keep in one scale of the balance the desire of the 1 000 people or so deserving greater employment and in the other the interest of 5 million people, excluding the one thousand, and then decide. Sir, I say the interest of the 5 million people would weight more. If so, the Bill has to be rejected.

Sir, I strongly oppose both the principles of the Bill.

MR. E. V. KRISHNA PILLAI (*Pathanamtitta*). Sir, I did not want to participate in the discussion till I heard the Law Member expounding principles which are quite unacceptable. In the first place it has been taken as a sort of preliminary objection that the House would be acting against conventions of legislation if the High Court's powers are sought to be overlooked, for under the existing law the High Court is given certain powers in the matter of shaping the legal profession in the State. We see, Sir, that the very same High Court which exercises the powers referred to by the Law Member, is given those powers by a Legislature of which we are the rightful heirs. To add to that circumstance, this is a Legislature, this particular existing House, larger in body which can claim to represent in greater detail different shades of opinion obtaining in the State. Therefore there is absolutely no substance in the argument so vehemently put forward by the Law Member that this House would be doing something improper if we interfere with the existing legislation on the subject. The former

House has invested the very same High Court with certain powers If this House finds it necessary to scrutinise the law and re-consider its application, there is nothing preventing us from doing so. For, as. I said, we are the right successors to the Legislature that invested the High Court with these powers. We are scrutinising whether the principles that have been followed by the High Court are up-to-date or whether they require modification or reconsideration, whether the rules have been observed by the High Court and whether the method by which the High Court administers the powers require any reconsideration. Are we precluded from doing so? Certainly not It may be presumed that the High Court is exercising powers conferred upon it on some reasonable principles. The method of application adopted by the High Court is not, like the Vedas of ancient days, a sealed book to us. They are doing things in the same way this House expect them to do. We have no quarrel with them, we are only re-considering the position and ascertaining whether any change is necessary, in-as-much as the principles that are presumed to be followed by the High Court in respect of this are also the principles that we are expected to follow. When we are now subjecting them to scrutiny it is only proper and just that we do so. The mentioning of the name of any institution does not scare us away We are competent to give a mandate to the Government, to the High Court, and for that matter, to any institution in the country. If this House is going to decide on the issue raised in the way in which the Law Member wants us to do, this House would be committing a suicidal policy, (*Hear, hear*). That this House is not competent to do certain things is a fact. But this does not fall under that category of things. Moreover we are providing additional safeguards and leaving the High Court to exercise its discretion freely. What is the amendment of Mr. K. C Abraham? We are going to ask the High Court," you do conduct an examination, you do prescribe tests for these aspirants.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): May I know from the member where it is stated in the Bill?

MR E. V. KRISHNA PILLAI (*Pattanamtitta*): It is not stated in the Bill, but it is an amendment of Mr. K. C. Abraham.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I rise to a point of order. I wish to know whether Mr. Abraham's suggestions were amendments to the present Bill.

DEPUTY PRESIDENT: I don't think that it was an amendment in the legal sense of the term. But the expression is used here in the sense suggesting a change of the provisions that can be made in the Bill. If that is in that sense I am prepared to allow the word amendment.

MR. K. C. ABRAHAM (*Kottayam II*): A word of explanation, Sir I did not mean exactly 'amendment'. I suggested it as a proposition.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): My point is about the way in which the Law Member deals with that suggestin. The Law Member made too much of a circumstance on which he was very eloquent.....................

DEPUTY PRESIDENT: Mr. Krishna Pillai, there is nothing to be gained by using that expression 'eloquent' and to say that the Law Member wanted to be eloquent.

MR. E. V. KRISANA PILLAI (*Pattanamtitta*): I withdraw that word though I used it complimenting the Law Member. So, that objection does not hold water. Then he wanted us to consider this question in this way. Is it not the question before the House whether a certain section of the people ought to be given bread and certain others ought to be deprived of it and whether it is conducive to the public interest? That is not the position and I hope the mover of the Bill would explain this point in his reply. But, Sir, in my view it is certainly in the interest of the public that we reconsider the law on the subjeet. The House is not concerned whether one thousand people or for that matter, 10,000 people are supplied with bread or not. Here the mover probably feels like this. There is the litigant public or say the poor man for whom administration of law should be made as cheap as possible. The Travancore Government and the Travancore High Court thought it fit to bring into existence a body of persons who they thought would be competent to deal with law only to a limited extent. They are given the necessary education on the general principles of law as it is administered in the State. That is the only possible thing which anybody could be given in any institution. Let it be in the higher classes of the University. That can only be the thing that a University can afford to offer to anybody who wants to qualify himself. That is the only possible thing for any University to offer to a man, that is to keep him informed of the general principles, to create an interest in him, to create an inclination in him and also enable him to select things, to choose things, to study things and to grasp things. That is the only possible thing any teaching body can achieve. Here is a class of people who have qualified themselves to that extent. And the question is whether it is justifiable for this House to make their services available to the degree that is possible to the poor litigants. And what is the sort of litigants we have in Travancore? They are, the majority of them, poor but shrewd, extremely intelligent. Parade before them hundreds of M. L's and thousands of B. L.'s. They will not get frenzied by even degrees, but will only go to the most competent individual. You cannot prevent the litigant from choosing the right man who may not be from the M. L. group or from the B. L. group. But he may belong to the second class material. And therefore the only assistance that you can do him is to allow him to use his entire discretion in the matter of choosing his vakil. He should not be told by a certain enactment or by a statute that he should choose only from a particular class. Well, there was a time when such a legislation was necessary. But those times are gone. What I wish to submit

here is that by this we are not going to give bread to a certain class of people but that we are providing the poor litigant with sufficient facility to make his own choise in the matter. That is the thing that is sought to be established by the principle contained in the Bill. The learned Law Member seems to attempt to cloud the issues. This is not the aspect. The most prominent aspect.........................

DEPUTY PRESIDENT: As I understand the speach of the Law Member, he had not tried there to cloud the issues.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): And I do not think that any class of people who abide by the Bill do not deserve to be poor.

Another point is also raised in the discussion. That is the distinction between "best material" and "second class material". The Law Member seems to make much of this. He says the distinction or the difference is found admitted by the mover. It is not so I will cite an example I want to speak about two kinds of human beings:—an elderly man and an immature boy. I can refer to them only as such. That does not mean the boy would perpetually remain as such. He can at one time attain the status of the elderly man. In the same way the mover of the Bill wants to retain these two classifications according to the law as it exists now, and he prescribes certain conditions under which the second class material attains the status of the best material; and he does not admit that the second class is perpetually second class material and so is not fit to attain the status of the best.

DEPUTY PRESIDENT: May I suggest to you to talk a little slower?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): The mover prescribes a process of development which when completed will absolutely abolish the distinction between the second class and the first class material. He wants the second class to be put to do the very same function as that done by the first class at a stage when there is absolutely no distinction between them. The distinction sought to be created by the Law Member is more imaginary than real.

Then comes the question of character and efficiency which are certainly an asset to the profession. Certainly these are the two things that go to make one's life a success. If a lawyer wants to thrive, certainly these are the two qualities necessary. Irrespective of the fact that he is cultured, irrespective of any other consideration, these are the two things which he has to cultivate and which are necessary for his own existence. If any lawyer wants to come up in his profession, he has to maintain, irrespective of his education or influence, these two items of equipment. Then only the litigant public will go to him or place any reliance on him. Even as a matter of policy, as a matter of self-interest these are the two things like the Regulations and Proclamations of Travancore, or like any other ordinary requirements of lawyers, these are the two things which one has to maintain if he wants to get on and earn his livelihood by remaining in the

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profession. We must not do anything here which has a tendency to detract from these two qualities. Another aspect is that we should not allow anybody to handle briefs to the detriment of the client. But it is only very, very rarely that we come across such cases and the Law Member himself has not been able to give us a single instance of this practice obtaining among any sort of people, whether of the second class or of the first. Therefore, for all these reasons I submit that the objections put forward by the Law Member do not stand to reason and justice.

MR. N. E. VARUGHESE (*Tiruvalla D*): I move that the question be now put.

DEPUTY PRESIDENT: I want to make a suggestion to the House. We have been discussing this question and have reconsidered all its aspects at length. And the members are aware that there is no time to make long speeches. But considering that the time at our disposal to-day is limited and also the fact that there are still certain members who want to speak, for instance, I saw Mr. Asan standing up, may I suggest that speeches may be made as brief as possible. Otherwise we may not be able to get through the whole business. Not that getting through the business is of the paramount consideration. But I hope that the House will bear with me if I suggest that, ordinarily, 5 to 7 minutes may be taken by a member.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I offer one word of suggestion, Sir? The Honourable members, of course, know that this is an important piece of legislation. If the discussion is over and the Bill is not finished to-day it will lapse. So the House should divide on this Bill.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, I don't think that I could finish within the allotted time. And, I don't know whether the other gentlemen would acquiesce.

DEPUTY PRESIDENT: I can certainly give Mr. Asan more time. But the Chair will be able to find out when a gentleman acquiesces or not. You please go on, Mr. Asan.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Sir, the mover of this Bill wants to amend Regulation II of 1075. When a member of this House seeks to get a Bill passed by amending the existing Regulation he must establish either that the existing Regulation has not been working properly and efficiently or that there are certain fundamental defects in the existing legislation or that the circumstances have so changed as to make the existing legislation unsuitable to the time. I do not find any of those arguments mentioned in the Objects and Reasons. What is stated in the Objects and Reasons is this: I shall read one or two sentences:

"The rights of admission and privilege of appearance etc., of the Vakils are left undefined, unprovided and unprotected by the present Regulation. The Vakils at present are left entirely to the mercy of the rule-making powers of the High Court under Section 4 of the Regulation".

Sir, the present Regulation gives power to the High Court to frame rules and fix the qualification of vakils for practising and other conditions which make eligible a person to enrol himself as a High Court Vakil. Under that Regulation the High Court has laid down certain rules and it has prescribed certain examinations. It has also laid down certain standards. As the Law Member suggested since the required number of qualified graduates in law were not available at the time for practising in all the courts of the State and since all kinds of cases are not triable by the Munsiffs' Courts the High Court thought that a lower standard of equipment will be sufficient for the time as qualification for practising in the Munsiffs' Courts. Accordingly the High Court thought that persons who have passed the School Final Examination or the Matriculation Examination are gentlemen with a general knowledge of English and other subjects who may be allowed to undergo a law-course for two years. The High Court knowing fully well that the value of cases dealt with in the Munsiffs Courts was comparatively smaller and that suits of unusual character did not arise in the Munsiffs' Court they laid down a lower standard of qualification for practise in those courts. Accordingly, the Second Grade Pleadership Examination was prescribed. A large number of people have passed that examination and are practising in the Munisiffs Courts. So when the High Court has prescribed that examination and when a number of persons have passed that examination and are practising in Munsiffs Courts and when an eminent person who has been acknowledged to be well acquainted with the judicial administration in the State says that such an examination should be discontinued, is it proper that this House should say that we should allow those persons who are practising in those courts and who are intended to practise in those courts only by the High Court should be allowed to practise in the District Courts and the High Court? The High Court never thought that the persons whom they declared to be qualified for practising only in the subordinate courts will subsequently become eligible to practise in the District Courts without passing any other examination. I am concerned only with the Bill of Mr. S. J. Nair as it now stands. There is no amendment to that Bill. The tendency in all countries is to raise the standard of qualification. When the persons who are well qualified increase in number is it advisable to say that the standard should be lowered? But what is it now that is sought to be done? I need not dwell upon that point. The question is whether persons who are admittedly of a lower standard ought to be allowed to practise in superior courts. Are we not going back to a period which existed even before 1075?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I rise to a point of order. Can a Bill be considered in the absence of its mover?

DEPUTY PRESIDENT: Yes. The question is whether the mover was present at the time when he had to do something with the Bill. You cannot expect that a man must be in his seat for all time without going out. Any how, Mr. S. J. Nair has removed Mr. Narayana Pillai's apprehension by his entering the Hall.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It is not proper that the High Courts intentions must be interfered with. I could have understood if it was intended only for persons who pass at a future date. Then the High Court would fix the necessary qualification for them. But now there is not a chance for the High Court to do so. Though it was stated in the Objects and Reasons that the vakils are at the mercy of the rule-making powers of the High Court nothing has been stated here to show that the rule-making authority of the High Court has been abused. When a particular member wants this House to change the law or to deprive an authority of its existing powers it must be shown that the authority that was exercising those powers is not using them in public interest. I have not heard any argument with that allegation. What I am submitting is that the question of taking the powers of the High Court and depriving it of its powers must be considered with very great care. One of my friends has been remarking that if we do not pass this legislation it may appear that the High Court has got higher powers than this House. Anybody who has gone through the Statutes regarding that knows fully well that the duty of the High Court and the subordinate courts in the land is to administer the law as laid down by this House. It was argued that this Bill should be passed at least for the purpose of establishing that this House is superior to the High Court.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Did anybody deny the power of this House?

MR. A S. DAMODARAN ASAN (*Mavelikara*): No.

DEPUTY PRESIDENT: Who is the member concerned?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Mr. E. V. Krishna Pillai said that at least in order to show that this House has power over the High Court, this Bill should be passed.

DEPUTY PRESIDENT: I wish to make a statement. Mr. Asan said that Mr. E. V. Krishna Pillai's argument was that in order to show that this House has superior power over the court this Bill must be passed. I wish the House will really understand his argument. Will Mr. E. V. Krishna Pillai explain his position by a short statement?

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): I submit that that was not what I said.

DEPUTY PRESIDENT: That was how I understood him.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Then I need not argue that point. It has not been established that there is necessity for a change in the law owing to the mis-application or misuse of the powers vested in the High Court under the existing Regulation.

Another question that has to be considered is whether the public interest demands such a change. One can understand that if the public interest demands, the law must be changed. Has it been stated anywhere that the public of the country, the people of this land, are in dearth of qualified lawyers in the District Courts and in the High

Court and that they want a larger number of lawyers. It has not been stated in the Objects and Reasons. What is stated is:—

> "Under the existing system, no sort of encouragement is given and promotion provided for the First and Second Grade Pleaders in Travancore. This system of compulsory and permanent stagnation in the case of a large section of Vakils, who practise in the various subordinate courts in Travancore is most undesirable. There is no profession for which there is no promotion. There is no work for which there is no encouragement. There is no labour without reward. There is no merit without recognition. There is no talent without full scope for its exhibition".

DEPUTY PRESIDENT: This is one of the objects.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): The other object I have dealt with.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Where is it from?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): From the Objects and Reasons appended to the Bill.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that the public of Travancore have submitted a memorial praying for the enhancement of the powers of the second grade pleaders?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not propose to answer that question.

What I beg to submit is that if a vakil of the Munsiffs' Court is efficient and competent he will have immense practise and will be making sufficient money. That is their reward. The vakils of the High Court also have only that reward. A leader of the High Court commands the confidence of the litigant public.

MR. K. R. ELENKATH (*Kalkulam I*): May I know from the member whether the B. L. s after passing the examination and a practice of three or four years automatically become eligible for practise in the High Court?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I shall consider that question when an amendment regarding the same is brought in. We are legislating for all classes of people. What we have to consider is whether the ordinary layman who is not in the know of all these things will be able to chose a good vakil. I am placing only one suggestion for the cодsideration of this House. There are the medical practitioners. Sir, certain qualifications are prescribed even to them and all men are not allowed even to sell medicines.

MR. K. R. ELENKATH (*Kalkulam I*): Are the qualifications fixed for the medical practitioner almost the same as those fixed for the legal practitioner?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not want to take away the time of the House by answering these questions. What I am submitting is............

DEPUTY PRESIDENT: Mr. Asan raised a principle. Mr. Asan has an answer and is prepared to give it. He is at liberty to do so. But not taking the time of the House when a question is asked is not an expression which can be used. It indirectly insults the other member. If you have an answer please give it.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It is out of deference to the Chair that I said like that, Sir The Chair has reminded me of the time at the start and directed me to be as brief as possible I shall come back to my argument. And so there is a reward for them. There is only that reward for the High Court Vakils also. Probably for the District Court Vakils who could not afford to come to the High Court, the reward is that he gets sufficient engagements. Sir, it is not likely that persons who are not able to get the reward, which I have just now stated, in the Munsiffs' Courts are going to get any even if they are allowed to practise in the District Court.

Sir, it has been mentioned by one of the speakers that the Law's Delays Commissioner considers that the second grade pleaders are efficient and that on that ground they may be allowed to practise in the District Courts. I would refer to that report only to say that the best authority is in my favour. At page 816 of the Laws Delays Commissioner's Report, it is stated:

> "Two other suggestions have also been made in this connection, *viz.*, first, that the number of vakils attached to each court might be limited to a certain maximum and fresh enrolments might be permitted only as vacancies occur, and secondly, that there need be no further recruitment to the grade of pleader....
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> ....
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> ....
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> ....If a sufficiently large number of the higher grade practitioners became available for the litigant public in the subordinate courts, there can, really be no hardship or injustice in restricting the enrolment of the lower grade pleaders."

Then at page 817, he says:

> "These considerations led me to the conclusion that there is no longer any need for a class of lawyers with a lower standard of education and attainments than that of the graduates in law. But from this it does not follow that the pleadership classes should be abolished, for it is necessary that there should be an institution to impart legal education to those who aspire to it though it may not be on the scale provided for by the University But persons who are this qualified should not expect to be permitted to do the work which men with higher qualification alone should ordinarily attend to"-

What I am submitting is that the Laws' Delays Commisssioner in unequivocal terms, says that when there are persons with better qualifications, persons with lower qualifications should not be allowed to practise even in Munsiff's Courts. But they may be considered as qualified for the purpose of recruitment as vakils' clerks, document writers and all that. In view of that fact, I submit that it is not proper to say that the Laws' Delays Commissioner has supported or has stated that the second grade pleaders are efficient for such advocates' work It is a misreading of the report.

MR. PACODE A. NARAYANA PILLAI (*Vilanankod*): Does not the Laws' Delays Commissioner also say that these parties would be also used to employ attorneys to prepare cases to legal practitioner ?.

DEPUTY PRESIDENT: I think Mr Naryana Pillai meant solicitors. Attorneys are somewhat different.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): If any person is very anxious of engaging a person who is not a graduate-in-law, he has now the chance of engaging a second grade pleader with power-of-attorney as

suggested by the Honourable member for Ambalapuzha and the Honourable member for Trivandrum Town. With regard to that argument advanced by those Honourable members that as second grade pleaders with power-of-attorney are entitled to appear in courts and argue cases in District Courts and High Courts they may also be safely enrolled as vakils of such courts. My submission is that the members who brought forward that argument were unable to give satisfactory answers to questions put by me. My question was this—If second grade pleaders who are appearing in courts with powers-of-attorneys are to be given sannads for practising in the High Court or District Court, could not all these qualifications be taken away from the Statute Book as it is only logical conclusion that all persons may be given sannads for practising in all courts. ?

DEPUTY PRESIDENT: Has the member for Ambalapuzha made such a statement? Is it relevant? I do not think that it should be more clear. Mr. Asan stated that the member for Ambalapuzha has said that in the same way as the power-of-attorney holders are allowed to practise or put a case before the courts, so everbody who asks for it will be given sannads to practise as vakils in various courts.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I did not say that everybody is entitled to practise or that it was so stated by the member for Ambalapuzha, etc,.

DEPUTY PRESIDENT: On that point Mr. Asan is the best authority.

MR. A. S. DAMODARAN ASAN (*Mavelikara*); What he stated is this. If persons with power-of-attorney are allowed to conduct cases in these courts and if it will not be causing much injury to the parties concerned except that it may incidentally cause some injury to Government they have to pay higher rate of fees for the execution.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): May I point out that in the High Court the stamp duty for a Mukthiar is Rs. 2 and for a power-of-attorney Re. 1?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Yes, my question was that I wanted a definite information upon that. Because by the proper application of that argument any person could be allowed to be enrolled as a vakil because any person may appear through a Mukthiyar.

DEPUTY PRESIDENT: Is that the definite information that is required?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): May I make my position clear? Sir, what I pointed out was that in the light of the law as its stands at present there is an absolute prohibition for the appearance of second grade pleaders in the District Courts. A party, if he so minds to execute a power-of-attorney to a second grade pleader and asks him to appear and argue a case for him is, no doubt, at liberty to execute the power-of-attorney or not. Similarly that being the provisions of law as it exists at present, I said a second grade pleader can

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practically disregard them if their out-turn had to circumvent the present provisions. Then I put a further question, if a second grade pleader of long standing, of approved character and ability is available and he is prepared to appear under a power-of-attorney, say on account of cheapness of the encouragement, why cannot the Legislature recognise his ability as a pleader.

MR. A S. DAMODARAN ASAN (*Mavelikara*) : Did I not ask a question at the time?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : I do not recollect that such a question has been asked ; then why not the qualifications of the vakils as a whole be removed?

DEPUTY PRESIDEHT : Mr. Asan's question being withdrawn, Mr. P. K. Narayana Pillai may not answer.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Sir, and so what I was submitting is that that argument also advanced in support of this principle of the Bill is not sustainable. I wish that the House also should agree with me with regard to the acceptability of that argument.

Then another point, the only further point, which I wish to state, is that though I also am not against encouraging exceptionally brilliant men, we, in making the laws for the land, must lay down the law correctly for the benefit of the general public and not for one or two individuals. And all that I could request this House to consider is whether the public interests demand that this House should declare that the second grade pleaders are eligible to conduct cases in the High Court and in the District Courts after a lapse of time. How could the lapse of time make them more efficient? Following this amendment in seven years a Munsiff's Court vakil will be entitled to be enrolled as a District Court vakil and after five years he will be eligible to be enrolled in the High Court. That is, in the course of 12 years a second grade pleader should be allowed to be enrolled as a vakil in the High Court.

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, under coercion of circumstances I propose to speak a few words in connection with the motion before the House. I did not intend to speak before I heard the Law Member. If I understand him correctly he raised objection to the introduction of the Bill on three main grounds. The first was answered from one point of view by the Honourable member, Mr. E. V. Krishna Pillai, and I propose to answer the same objection from another point of view. The Law Member was developing an argument that because the High Court has been already given the powers to make rules for purposes of administering justice, this House will not be justified in interfering with such powers already given them, the High Court being the only body available to deal with matters arising from administering justice in the land. Sir, I take it the Law Member spoke on behalf of the Government.

DEPUTY PRESIDENT: Certainly that goes without saying.

MR. M. SIVATANU PILLAI (*Tovala*): Very well. It is a matter of common knowledge to the Honourable members of this House that when the Honourable the High Court either make a proposal for an appointment or recommend to the Government a particular person for the appointment, the Government act differently, thereby going counter to such appointment or proposal for an appointment. For instance there are several occasions known to the members when the High Court appoint a Munsiff, or a Sirkar Vakil and for the matter of that, when they make a recommendation to the Government to appoint a judge, they very often set aside such appointments or recommendations and in their turn suggest back to them to appoint or recommend another. I ask, Sir, whether in the face of the argument advanced by the Government member, such a course is open to the Government. I only say what is sauce for the gander is equally sauce for the goose.

DEPUTY PRESIDENT: Are you arguing that from first-hand knowledge?

MR. M. SIVATANU PILLAI (*Tovala*); For further elucidation of this point I may cite this instance. I may remind the Honourable members of this House that I once put and interpellation in reference to the appointment by the Government of a second judge over-riding the unanimous recommendation of the Honourable the High Court. The Government member, the then Chief Secretary, stoutly defended the action of the Government in doing so, perhaps on grounds of very weightly reasons or on grounds of the so-called efficiency on which they very often depend for questionable appointments made by them.

DEPUTY PRESIDENT: How is that relevant?

MR. M. SIVATANU PILLAI (*Tovala*): It is relevant in this way, Sir, The institution of our High Court according to the Law Member being the only body competent and available for purposes of doing things in the matter of administering justice, the Government ought not to have interfered with such acts of the High Court as they did in the case I cited a little before. I ask, Sir, whether it is consistent for the Government member now to say that this House shall not interfere with the powers already granted to the High Court in the matter of choosing who is competent to appear before them or before their subordinate courts. In other words, if it is permissible for the Government to act against the wishes and recommendations of the High Court, I ask, why this Legislature should not prescribe rules for their guidance? I wish to make a present of his own argument to the Law Member. I wish to submit that it is true that the High Court being entrusted with the function of administering justice is the only body most competent to control matters governing justice, and it is also equally true that this House gave them under the High Court Regulation powers to make rules as well. If circumstances exist and warrant a revision of provisions relating to powers conferred upon the High Court, this Legislature is at perfect liberty to revise them and it is this simple

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thing that is sought to be brought forward for consideration before this House by introducing a Bill of this nature and that is my answer to the first ground of objection raised by the Honourable Law Member. Secondly the necessity of making a distinction between the first class and second class material was stoutly maintained by the Honourable Law Member. There was more than an answer given to this by the Honourable member Mr. E. V. Krishna Pillai. I freely confess that the argument developed by the Law Member on this line at first apparently appeared to be some-what convincing but as I listened further to the speech of the Law Member repeating the very same argument of a first class material and second class material and repeating *ad nauseum* it detracted from the strength of the argument.

DEPUTY PRESIDENT: Are you very particular to use the word '*ad nausem*' and all that?

MR. M. SIVATANU PILLAI (*Tovala*): The repetition of unhappy expressions was nauseating and hence I used the word and I am not at all particular to use it again.

DEPUTY PRESIDENT: Are you not willing to withdraw that?

MR. M. SIVATANU PILLAI (*Tovala*): With very great pleasure I withdraw that, Sir.

DEPUTY PRESIDENT: I am very happy.

MR. M. SIVATANU PILLAI (*Tovala*): To repeat it, Sir, is equally unhappy.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know whether it is not the distinction seen in the draft Bill?

MR. M. SIVATANU PILLAI (*Tovala*): Not that. All that the draft Bill says is, as at present, a certain class of lawyers is allowed to practise only before Munsiff Courts and they are not permitted to practise before District Courts, and it is this fact that is given expression to in the Bill so that the expression is certainly not an admission of distinction between these two on the part of the mover. I am prepared freely to concede there was a time when there were first class materials and second class materials, but now for long it is my experience that there is no such justification for such a distinction. There was a time when there were first class materials but with the experience that I have of the present-day lawyers I do not permit myself to concede that it continues so. A great majority of our educated young men take to study law not out of a taste for it but out of sheer necessity or exigency of their life and they join the Bar that has only become an inevitable bar for their future prospect. I ask Honourable members whether it is not a fact, that a large proportion of our educated young men taking to the profession of law have become a thorough failure, and also become an object of pity. May I put it to the House whether it is really honest and correct to say they are of the first class material and are luminaries of law in the real sense of the word. They are found to be actually starving and

at their wit's end to find their wherewithal. Under these circumstances I ask, why should there be so much fight between fellow members ranging themselves on opposite sides as I see now in this discussion. I greatly wish that Lord Curzon had been here at the present moment to watch the fight going on because the very object of his accomplishment, namely, the enacting of the University Act for which he was primarily responsible, has been fulfilled with a vengeance. It is true to say in western countries the profession of law will be taken up only by those who have got a taste for it and the system of practice of law has been brought to perfection because it is so zealously controlled by a body of persons, namely, the Inns of Court. There it is not the case that persons take to law because they have no other go, as is seen here, but because of the love for the study and practice of law, and as such there is no use comparing the set of legal practitioners in western countries with ours; similarly also in American countries and in Japan In the latter two countries University degree is not recognised as a hall-mark of perfection in education and much less perfection in character, nor in culture, and that is why we hear people scoff at American or Japan University degrees. Perhaps they may have legitimate reason also for this contempt but I may remind you that they are not the worse for it but a thousand times better than what we are to-day. I am only sorry that there is an impression prevalent among ourselves that the end of all our education is only securing a University degree. I may remind you in this connection that the object of introducing a University Act in India was not only to create handy materials for purposes of carrying on a foreign rule, but also to create a gulf between the so-called educated class and the vast majority of uneducated people just to faciliate the continuance of such rule. In this way there is greater and greater detachment between the graduates and non-graduates and each one looks upon the other not with much respect, but in actual practical life there is no such distinction to be seen. They are only co-members in their struggle for life and according to one's own acquisition, experience, culture, equipment and character one becomes successful and certainly not for the reason that one happens to be a graduate and not because one is a first class material and the other is a second class material. Please excuse me for the repetition. Sir, what is required under this Bill is a very simple question. Granted there is the requisite character, requisite culture, requisite experience and equipment, will not this House be justified in removing the ban that is now placed on the persons who possess them, from appearing before a higher tribunal as vakils? Of course it may be thought that 7 years experience of practice before Munsiff's Court may not be sufficient to attain the equipment and experience sufficient to enable one to do full justice as a practitioner before a District Court. That is a matter for the Select Committee to go into, and the Committee is at perfect liberty to prescribe the method of removing the restriction of second grade pleaders. Some of them may not be fit enough to do their duty before a higher court but certainly it is not the case at any rate

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with some who may be admittedly competent in all ways to function as a lawyer before a District Court. Such being the case I ask why not make provision for those some persons at least enabling them to appear before the District Courts and that is the thing that is wanted in the draft Bill. If the question be that second grade pleaders are only the second class material and the law-graduates alone are given the monopoly of being the first class material, I ask, Sir, what is the meaning of the publications in almost every issue of the Madras Dailies of disciplinary actions having been taken by presiding officers of courts against the graduate lawyers? I ask, Sir, if that is the result of the so-called first class material or the so called equipment and culture that is now sought to be associated with law graduates. Hence I wish to maintain that the conferment of a degree has nothing to do with the moulding of character and equipment which is nothing but the result of the nature of the atmosphere under which one is born and brought up. Of course general education has something to do with the enlargement of the mental horizon but that is not the sole thing. If it be so I ask, Sir, where is the integrity, where is the character, where is the mental equipment in a gamut of this graduate lawyers who are either suspended or drastically dealth with under disciplinary action by presiding officers of courts as we have come across almost daily in the publication of the several Dailies published from outside? I earnestly appeal to the Law Member to revise his contention relating to the first class and second class material and also not to repeat these words so that it may leave an impression of a graduate lawyer spoiling his case by a repetition of the same argument *ad infinitum*.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Does the equipment repuired for a lawyer referred to by the Honourable member, include the general education also?

MR. M. SIVATANU PILLAI (*Tovala*): Of course the equipment consists in experience, knowledge and ability to assimilate experience and knowledge and also ability to digest general education.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): If that is so, does the Honourable member expect that equipment comprises general education also?

DEPUTY PRESIDENT: No, that is a speech.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Will the Honourable member please explain whether the equipment will not be better if the course of general education is higher?

MR. M. SIVATANU PILLAI (*Tovala*): Sir, I refuse to accept that unintelligent memorizing is general education.

Now I come to the report of Laws' Delays Commissioner. I am glad, Sir, the Honourable members who spoke opposing the Bill brought into assistance that report. What does it say? I am afraid most of the Honourable members who relied upon that report did not understand the position fully as described in the report. The Laws

Delays Commissioner concentrated his attention on the problem how he could eliminate laws' delays. The first thing that strikes him is the overcrowding of the Bar and he thinks that overcrowding is primarily responsible for the delay in litigation. With great respect to the author of the report, I take exception to this view; nevertheless, the fact of overcrowding may be accepted and the solution offered in it is to close the door of the factory that produces lawyers. The Commissioner being a person shrewd enough to understand things, realizes the limitation of our Government, to which he reports his recommendations, and that is why he recommends the abolition of the pleadership class alone over which the Government has got control and not the abolition of the Law College which though it may be abolished by our Government will not stop the inflow of law graduates yearly turned out by law colleges elsewhere. Even if there will be a recommendation to abolish our Law College here the Commissioner knew the Government will not do it because it is a profitable concern but the Laws' Delays Commissioner never says anywhere in his report that the second grade pleaders are of second class material and, as such, their production should be stopped but on the other hand he gives a glowing tribute to the second grade pleaders consisting of men of great ability and astuteness and equipment fit enough to adorn the bar, and I fail to understand Sir, why those who opposed, relied upon this Commissioner's report.

Here at present the case is not the same but a different one. There is no scope for our young men who get out of the college year after year to get themselves employed and they have money to get tuition in other technical branches in foreign countries. Naturally therefore they enter the Law College which our benign Government have supplied and afterwards take up the profession. There is no justification in comparing the present position of a lawyer here with a legal practitioner in England. We find here law-graduates are produced in large numbers year after year and the Government are practically helpless to shut the door of the University.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know from the member whether the number of graduates or the number of undergraduates is greater among the unemployed?

MR. M. SIVATANU PILLAI (*Tovala*): My own impression is the number of graduates is greater as compared with the number of second grade pleaders. I am only referring to the profession and not to the state of affairs in general, to solve the unemployment-problem among graduates. That is not the question before the House. So, sir, to my mind it appears all those arguments that have been developed here by the members who opposed the principle of the Bill did not at all convince me and I wish the House will consider the question in its real issue. Perhaps the question may involve the fundamental question of struggle for existence but all the same we are sitting here as legislators and we have got to take both sides and hold the balance and not prompt ourselves to be taken away by one'sown interest in the matter

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but to see whether after all there is any harm in the introduction of the Bill and I hope the House will accept the Bill. If there be any further suggestion as made out by the Honourable members, Mr. K. C. Abraham and Mr. E. V. Krishna Pillai, there will be time enough to consider such suggestions in the Select Committee.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): During the initial stages of the discussion I deemed it not necessary to speak on the subject. But now I wish I had the power to pour oil on troubled waters or to suggest some amendment which might set at rest temporarily at least this controversy. The wealth of learning and knowledge with which Honourable members were advancing their arguments for and against this proposition placed me in a state of bewildering mind. But when I came to hear the lucid and powerful plea put forward for the total rejection of this Bill by the learned Law Member on the ground that it is against the principle of sound administrative efficiency, then I made up my mind to oppose the Bill. Then, Sir, I asked myself seriously the question whether this Bill, the principle underlying this Bill, is one of supreme importance, whether this is agitating at present the minds of the public of Travancore and whether it is a subject of permanent importance to be legislated upon by the members of this House. Then also it struck me Sir, that this is matter that may be conveniently left to the administative machinery. In the Judicial Department, we need not interfere in these details leave them to the descretion of the High Court not because we have not got the power to legislate upon those things. For the sound and efficient administration not only of the Judicial Department but for the efficient administration of the various departments of the State, it is only fair and it is only consistent that we do not interfere with a certain amount of discretion that has been rightly vested by the Legislature in the heads of various departments concerned. Here the rule-making power rightly or wrongly is vested by the Legislature in the High Court which is the highest tribunal of justice in the land. As often as occasion arises, we do not hesitate to criticise the efficiency of the administration of the Judicial Department. And for the sound administration of the Judicial Department I think the practical details of work of the whole department should be entrusted to the High Court; and they have framed certain rules for the appearance and pleading of lawyers in helping the administration of justice. What particular qualification a practising lawyer must necessarily have is a matter of detail because the primary relation is between the tribunal and the vakil concerned, for the vakil is only a legally recognised intermediary to put forward the case before the court to be adjudicated upon. In the actual administration of justice a vakil has no independent status apart from the court. The vakil for the time being represents the client behind him and helps the court as well as the client in the proper administration of justice. Regarding the qualifications of the agent it is only fair that we leave this to the High Court. If we interfere in these

small things probably we will be forced by the necessary implications of this interference to dip our hands more and more in the actual working of the various departments concerned.

I would like to impress upon the House the force of my argument by one or two illustrations. Recently a G. O. has been issued by the Government to the High Court regarding the recruitment of officers to the judicial service stating that a particular per-centage should necessarily be recruited from the practitioners when recruitments are made from the Bar. Now if this Bill becomes legislative enactment whereby first grade pleaders become High Court Vakils and second grade pleaders become District Court Vakils, certainly corresponding changes regarding the recruitment of officer from the pleaders should be made and they also should be made eligible for the highest post in the Judicial Department. Viewing the broad aspect of the matter we will be convinced that for the efficient administration of every department where technical qualification is required apart from general educational qualification it would be advisable to leave the power of framing rules with the Heads of departments.

It was only the other day that the Land Revenue Commissioner put before us a supplementary demand for technical training in the survey line being given to some Tahsildars and Magistrates. The demand was made by the Land Revenue Commissioner. So, after all, as I have tried to place before the members, being a technical aspect of the matter it should be left to the High Court. If I am engaged by a client I can put his case before the presiding officer only according to certain recognised rules and laws. So, that is also in a way a technical thing. Whether that technical matter is presented in the best form could be determined only by the presiding officer who has to adjudicate upon that. So being a matter of detail, it need not necessarily engage our serious attention and consideration.

There is also the broader aspect of the question which I wish to emphasise. If at this juncture we wish to interfere in these matters of detail in the administration of justice when so much discontent and heartburning exists, when there is so much clamour about the delay in adjudication of justice in our Civil Courts, we are going to interfere by legislative enactment. With the rule-making discretion of the High Court they might turn round at a subsequent moment and say " how can we " help it when " even in matters of detail you are fettering our discretion ".

DEPUTY PRESIDENT: I do not see the relevancy of the argument. Does the member mean that the High Court will do tit-for-tat ?

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): I never meant this aspect to be taken as a threat. Even on the assumption that the High Court is denied rule-making power, I do not say that they will be so peevish or nervous to do tit-for-tat. I was just trying to impress upon the House that it is not worthwhile to interfere in matters of detail regarding the administration of one of the most important departments of the State.

[Mr. Edavanatt S. Padmanabha Menon.]

Consider also another aspect. Is there an insistent call as the Law Member puts it from the country? It is only to further the interest of 1000 and odd people out of 50 lakhs that this Bill is moved. It is not a matter of burning importance, it is not a matter of urgent importance for the nation as a whole for whose welfare the State machinery is run. Allowing second grade pleaders to practise in District Courts and recruiting them as Magistrates will not, I hope, remove even by an inch the very serious hardship and disabilities which the litigant public are now suffering. It will not be a panacea and it will not be a solution of the very difficult problem.

MR. M. SIVATANU PILLAI (*Tovala*): Will the repeal of the Breach of Contract Regulation bring about a millennium to the poor classes as a whole?

DEPUTY PRESIDENT: That question does not arise. So it need not be answered.

MR. EDAVANATT S. PADMANABHA MENON (*Shertala I*): Wifh these few words I too wish to oppose the Bill.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, I wish to say a few words about the principle of the Bill. I am very sorry to oppose the principle underlying this Bill because this is a Bill that is initiated or introduced by a member on this side of the House and it is not ordinarily in the best of Parliamentary traditions for a non-official member to rise to oppose a Bill introduced by a non-official member.

DEPUTY PRESIDENT: Before you continue, let me say there is no such rule in any Parliamentary institution. A non-official member may introduce a Bill and another member whether official or non-official may oppose it. So the rule that you apprehend does not exist.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I did not say there is any such rule, Sir;

DEPUTY PRESIDENT: You proceed with the argument.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Whatever it is, as one representing not the particular profession under debate here but the general public I feel compelled to speak a few words.

MR. M. SIVATANU PILLAI (*Tovala*): Also representing the other section of the public which you referred to?

DEPUTY PRESIDENT: Mr. Sivatanu Pillai will leave that matter to his sweet will and pleasure.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Sir, this profession of law is a very noble profession and a learned profession and one peculiar feature about this profession is, of course that will be admitted by the prospeakers and anti-speakers—that this profession of law is at the same time the most democratic as well as the most aristocratic profession in the world—democratic in this way that it does not prohibit any member of the public when he is possessed of the required qualification to enter the profession and rise to the most eminent position. It does not place any restriction whatsoever.

It does not apply any restriction whatsoever and it is open to a member, when he has entered the precincts of this particular profession, to rise to the top-most height. There is no bar in that respect because this is the most democratic profession in the world. At the same time, it is a most aristocratic profession, because it does recognise certain classifications based upon certain intellectual standards. For instance, Sir, it is said that the Bar in England is a unified Bar. There is only one class of Barristers. They have not got so many classes of pleaders such as High Court Vakils, District Court Vakils; Munsiff Court Vakils, Vakils, Pleaders, Advocates, Attorneys and so on. Still the English Bar does recognise a classification in that it is not every raw barrister that can become a K. C. It is after very many years experience, he gets that position and——

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether, in England, a junior-most barrister on account of his extraordinary talents can rise to the position of a K. C. or not?

DEPUTY PRESIDENT: Courtesy requires that a member who is speaking may be allowed to finish the sentence.

MR. T. P. VELAYUDHAN PILLAI (*Tiruvalla III*): May I know whether the member has any new point?

DEPUTY PRESIDENT: I think members may be patient and give a reasonable time to the gentleman in possession of the House to speak. The member feels that he has something to say and so he is quite at liberty to do so. Kindly do not thrust either to the member or to the Chair unnecessary questions.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): What I say may be new or old points. But I request my fellow-members to take them at their true worth.

My point is that the Bar does recognise a distinction based upon certain standards, intellectual as well as others. So far as our State is concerned, the Bar in Travancore is not a very ancient one as it is in other countries. I should say that the first Regulation in Travancore relating to the qualification of legal practitioners was passed so early as 1104. This is what is stated in the Preamble.........

The power of admitting Vakils with the requisite training was vested in the Sadar Court, the predecessor of the High Court. When this Regulation was passed it was applicable only to Vakils practising before Sadar courts Zillah Courts and Munsiff Courts also. This Regulation was superseded by the Regulation passed in 1075. In Travancore our High Court has been functioning as a Council of legal education as it is known in England. In England the Benchers of the Inns of court with the Council of legal education lay down the qualification of members of the Bar. In Travancore, this function is being discharged by the High Court. There are various historical causes for this in the history of our administration of Justice. We have several courts and several classes of legal practitioners. The reason

[Mr. Pacode A. Narayana Pillai]

why the different standards were allowed for the purpose of different courts is a matter of history. All on a sudden, to call upon this House to obliterate or wipe away all such distinctions, well, that is not in the way of progress.

DEPUTY PRESIDENT: So far as I see, the present Bill of Mr. S. J. Nair does not want to wipe-off all distinctions between vakils and vakils.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): My point is, if the Bill is passed, the distinctions which we have been observing so long will be wiped-off.

Sir, every citizen has a right to get the best material. As a citizen I have the right to get the best rice for my food, the best cloth, the best education, and so on. That is an inviolable right.

MR. K. R. ELENKATH (*Kalkulam I*): How does this amendment Bill restrict such rights?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): A state interfering and enacting a new measure laying down qualifications for legal practitioners is the same as enacting measures like the food Adulteration Act, the Brothels Act etc. We will look at the rational that under lies such rights. Protection of the right of the citizen to get the best service for the money he pays has to be conceded. If this measure is passed what will happen is this. It will affect the rights of the citizen. Now a certain field of choice is prescribed by the Rules and Regulations. A few more persons will be coming into the field. For the citizens who were choosing practitioners from a certain field, there will be put in some more men. Any one can be selected from that field.

MR. K. R. ELENKATH (*Kalkulam I*): Is it the member's fear that bad elements will be driven from the field of choice?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): Rather into the field of choice, In course of time, Sir, even the good material available will be destroyed by such mingling. I think this measure will not be in the best interest of the citizens: It is not in the direction of progress; it is a highly retrograde step. I should not be understood as casting any reflection on the second grade pleaders when I say this.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Was not the member's reference as "poison" a reflection upon the second grade pleaders?

DEPUTY PRESIDENT: That was an exaggerated way of using a figure. I think the House can afford to take it in that light.

MR. M. SIVATANU PILLAI (*Tovala*): Is it because the member himself was affected, he put such a question?

DEPUTY PRESIDENT: Please wait and see

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): That is why I said, I should not be understood as making any reflection on the abilities of second grade pleaders. I submit, this Bill is not in the direction of progress. It is a highly retrogate step. It is fundamentally wrong. Its principle is unsound. It is historically incongruous. There are among class of lawyers known as second grade pleaders. men, who for their forensic abilities, and knowledge of law, are second to none. They could stand their own among any class of lawyers. While speaking against this measure, it should not be understood as casting a reflection upon the legal practitioners known as second grade pleaders. So far as rights and privileges are concerned I do not think there should be any distinction whatsoever between a second grade pleader or for that matter a first grade pleader or a vakil of the High Court. As members of theBar, as legal practitioners, to whichever category they belong, they should enjoy the same rights and privileges. That is why I submitted at the outset that this is a most democratic profession in the world. From the mere fact of the kind of training and higher education received, to say that A is of a different category, B another and so on and so forth and that they should have the privilege to appear in a particular court—in all this I think there is no distinction at all this lawyers. But.........

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If the Bar is a democratic institution as is now vehemently urged by the member, should not any member of the Bar be allowed to rise to any height he wants ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): By a democratic institution, it is not meant there should be a complete annihillation of all internal distinctions. Mediocrity is not the aim of democracy. It is not at all by conferring on all sundry the right to exercise all the privileges open to the highest qualified men.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): If so, whether a second grade pleader should not be allowed to practise the profession of a first grade pleader ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): That itself is a privilege. Because a first grade pleader is privileged to plead in a particular court, it does not mean that—

MR. A. THANU PILLAI (*Trivandrum-Rural*) : May I know whether anything turns upon the interpretation of the word "democracy"?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): No, Sir.

DEPUTY PRESIDENT: When a word used and the member having had some difficulty of understanding, a question was put and explanation given. Therefore it has something to do with it.

MR. A. THANU PILLAI (*Trivandrum-Rural*): Was it in this Bill ?

DEPUTY PRESIDENT: A speech is generally made to propound some of the principles involved in the subject. This is the position here also.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): A word of explanation, Sir. When the member referred to the Bar as a democratic institution I think he was conceding the right that every member should be allowed to rise to any height without distinction of class, privileges etc. So it is, I was reminding the member whether a second grade pleader is not entitled to take up the profession of a first grade pleader.

MR. A. THANU PILLAI (*Trivandrum—Rural*): Does anything turn upon the interpretation of the word "Democracy"?

DEPUTY PRESIDENT: When a word is used and when an explanation was given to a member who had some difficulty of understanding it, the further usage of the word is perfectly allowable.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): When the learned member referred the Bar as a democratic institution, I thought he was conceding the right of every member to rise to any height without difference of class or creed, Then the second grade pleaders can rise up and practise in the District Court.

DEPUTY PRESIDENT; Because it is the fag end of the session it does not mean that it may be made difficult for the chair to hear a member when talking.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): In answer to the question put by the Honourable member for Ambalapuzha, I say that I used the word in its real sense. When a person acquires the required claim there is nothing in this profession to prevent him from rising to any height whatsoever he can aspire to. That is what I meant.

Now, sir, only one word more. Sir, as I said, there were and even now there are very eminent members among the second grade pleaders.

DEPUTY PRESIDENT: That has been mentioned on the floor of the House twenty times to-day.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): As the members of this House are aware, a very solemn and sacred trust is placed in our hands; we are called upon to pass a measure dealing with the qualifications of legal practitioners so that they could plead before certain classes of courts. Sir, we are not legislating for one individual or for that matter for a group of individuals. What should be present in our minds' eye at a time when we consider this Bill is the interest of the majority of the litigant public.

MR. K. C. ABRAHAM (*Kottayam II*): May I know from the member for whom the Bill is intended? And whether it is intended for the second grade pleaders to enable them to practise in the superior courts?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): So far as I am aware, there has not been any request from the litigant public to raise the status of the second grade pleaders to the first grade.

MR. S. J. NAIR (*Nedumangad*): Is the member aware that the members of the S. M. P. A. at its 28th session has submitted a memorial to the Dewan of Travancore that the pleaders status should be raised?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): I am not aware of such a representation. Even if there was one it was not made by the litigant public. As members of the S. M. P. A. some second grade pleaders might have made some representation.

MR. S. J. NAIR (*Nedumangad*): May I know from the member whether he is aware that the members of the S. M. P. A. were landed proprietors?

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I ask the member whether there is any published record?

MR. S. J. NAIR (*Nedumangad*): I refer to a printed copy of the memorial.

DEPUTY PRESIDENT: Mr. S. J. Nair, are you going to supply information or are you going to ask for information?

MR. S. J. NAIR (*Nedumangad*): I am going to ask for information.

DEPUTY PRESIDENT: The member is not going to give you,

MR. S. J. NAIR (*Nedumangad*): I am going to supply information.

DEPUTY PRESIDENT: Mr. S. J. Nair is not permitted to supply information.

Let me once again refer in this House that an atmosphere of quietness and calmness is necessary for proper discussion. Demonstrations must be avoided as far as possible.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*); Some paper has been shown to me by Mr. S. J. Nair. But I have not seen that in the published proceedings of the S. M. P. A. So I don't feel compelled to answer that question.

Finally Sir, I have only to submit one word more. As a sacred trust in our hands, I make this humble appeal to the Honourable members of this House to pause and consider before they finally decide one way or the other so far as this Bill is concerned.

MR. N. JOHN JOSEPH (*Nominated*): സർ, ഈ സഭയുടെ പര്യാലോചനക്കു വിഷയമായിരിക്കുന്ന ബില്ലിനെ അനുകൂലിക്കുന്നതിനു എനിക്കു വളരെ സന്തോഷമുണ്ട്. ബഹുമാനപ്പെട്ട മററു മെമ്പറന്മാർ പറഞ്ഞിട്ടുള്ളതിനേക്കാൾ കൂടുതലായ ന്യായങ്ങൾ എനിക്ക് ഇതിനെപ്പററി പറയുവാനില്ല. ഇവിടെ സെക്കൻറ് ഗ്രേഡ് എന്നും ഫസ്റ്റ് ഗ്രേഡ് എന്നുംമററും ചിലർ പ്രസ്താവിക്കുകയുണ്ടായി. എന്നാൽ ഒന്നാംതരക്കാരുടെ അടുത്തു സാധാരണക്കാരനായ ഒരാളിനു സമീപിക്കുന്നതിനു വളരെ പ്രയാസമായിട്ടാണു കണ്ടുവരുന്നതു്. ധനസ്ഥിതിയും വിദ്യാ

[Mr. N. John Joseph.]

ഭ്യാസവും മോശമായിട്ടുള്ളവക്കു സ്വല്പമായി സന്തോഷത്തോടുകൂടി അടുത്തുചെന്നു പറയേണ്ട കാൎയ്യങ്ങൾ തുറന്നുപറയുന്നതിനു രണ്ടാംക്ലാസ് വക്കീലന്മാരുടെ അടുക്കൽ അല്ലാതെ സാധിക്കുകയില്ല. എല്ലാ കേസുകളുടേയും അടിസ്ഥാനം ഇട്ടുകൊടുക്കുന്നതു് ഈ രണ്ടാംക്ലാസ് വക്കീലന്മാരാണെന്നുള്ള സംഗതിയും ഈ അവസരത്തിൽ പ്രത്യേകം ഓൎക്കേണ്ടതാണു്. ലോവർകോർട്ടിൽ ഇവർ ശരിയായ അടിസ്ഥാനം ഉറപ്പിക്കാതിരിക്കുകയാണെങ്കിൽ ഹയർകോർട്ടിൽ ഈ ഒന്നാംക്ലാസുകാർ വ്യവഹരിക്കുന്നതുകൊണ്ടു കേസ്സിനു വല്ല പ്രയോജനവും സിദ്ധിക്കുകയൊ അവരുടെ സാമൎത്ഥ്യം പ്രസിദ്ധമാക്കുന്നതിനൊ സാധിക്കുന്നതല്ല. അതുകൊണ്ടു ധനസ്ഥിതിയില്ലാത്ത സമുദായക്കാരുടെ ഇപ്പോഴത്തെ നിലയെ പരിഗണിച്ചു ഡിസ്ട്രിക്റ്റ്കോർട്ടിൽകൂടി രണ്ടാംക്ലാസ് വക്കീലന്മാൎക്കു വ്യവഹരിക്കുന്നതിനു അനുവാദം കൊടുക്കുന്നതായാൽ അതുനിമിത്തം വളരെ പ്രയോജനം സിദ്ധിക്കുന്നതാണു്. അധഃകൃതരുടെയിടയിൽ വിദ്യാഭ്യാസം പ്രചരിച്ചുതുടങ്ങിയിട്ടു് വളരെക്കാലമായിട്ടില്ല. നാലോ അഞ്ചോ പേർ അധഃകൃതരുടെയിടയിൽ പ്ലീഡർഷിപ്പു പരീക്ഷ ജയിച്ചിട്ടുണ്ടായിരിക്കും. അവൎക്കും ജില്ലാക്കോടതിയിൽ പോയി വ്യവഹരിക്കുന്നതിനു കൌതുകവും ആഗ്രഹവും ഉണ്ടാകുന്നതു സാധാരണയാണു്. അതിനു സാദ്ധ്യമല്ലാത്ത രീതിയിലാണു് ഇപ്പോഴത്തെ റഗുലേഷൻ ഇരിക്കുന്നതു് എന്നുള്ള സംഗതി വ്യസനസമേതം ഇവിടെ പ്രസ്താവിക്കാതിരിക്കാൻ നിവൃത്തിയില്ല. അവർ നടത്തുന്ന കേസുകൾക്കു മുൻസിഫ്കോർട്ടിൽ വിജയംകിട്ടിയില്ലെങ്കിൽ അവൎക്കു് അവിടെനിന്നും മുന്നോട്ടുപോകുവാൻ നിവൃത്തിയില്ലാതെ പിൻതിരിഞ്ഞു പോകേണ്ടിയിരിക്കുന്നു. മുൻസിഫ് കോടതിയിൽ വ്യവഹരിച്ച വക്കീൽതന്നെ ജില്ലാക്കോടതിയിലും വ്യവഹരിക്കുന്നതായാൽ വക്കീലിനു കേസ്സിന്റെ പരിപൂർണ്ണമായ പരിജ്ഞാനവും കക്ഷികൾക്കു ധനസംബന്ധമായി ലാഭവും സിദ്ധിക്കുന്നതാണു്. പ്ലീഡർഷിപ്പു പാസായിട്ടുള്ള അധഃകൃതൎക്കു കുറേക്കൂടി മുന്നോട്ടുപോകുന്നതിനും തന്നിമിത്തം അധഃകൃതരുടെ ഭാവിതലമുറയെങ്കിലും അഭിവൃദ്ധമാകുന്നതിനും സംഗതിയാകുന്നതാണു്. അതിനാൽ ഈ ബില്ലിനെ അനുകൂലിച്ചു് ഈ സഭയിലുള്ള എല്ലാവരും വോട്ടുചെയ്കയും ഇതിനെ സംബന്ധിച്ചുള്ള പ്രസംഗം ഇനിയും തുടൎന്നുപോകാതെ അവസാനിപ്പിക്കണമെന്നുമാണു് എന്റെ അഭിപ്രായം.

I move that the motion be put to the vote of the House.

DEPUTY PRESIDENT: Mr. John Joseph is not in order. Because he has spoken on the subject, he cannot ask for a closure motion.

MR. E. V. KRISHNA PILLAI (*Pattanamtitta*): Mr. S. J. Nair is to speak. If it is likely to be long. I request.........

DEPUTY PRESIDENT: Mr. S. J. Nair has replied and the Law Member has replied, We have got just a few minutes more, and I wish to make a statement.

Members of the Assembly have already received intimation of the joint sitting of the State Council and the Assembly at 11-30. A. M. on Monday the 28th January 1935.

Motions have been carried at the meeting of this Chamber on the 24th January 1935 to refer the Trivandrum City Municipal Bill and the Travancore District Municipalities Bill to a Joint Committee of both the Chambers. If the State Council at its meeting to be held at 11 A. M. on Monday next concurs in the motion, it will be necessary to appoint the members from this Chamber for the Joint Committees. The Assembly will for the purpose meet again at 1 P. M. on Monday the 28th January 1935. There will be no interpellations or other business transacted at the meeting and the Secretary will not be issuing any agenda for the meeting.

The House will now adjourn.

The House adjourned at 4-55 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

PROCEEDINGS
of
THE TRAVANCORE SRI MULAM ASSEMBLY

(*OFFICIAL REPORT*)).

FIRST ASSEMBLY

FOURTH SESSION.

Monday, the 28th January 1935/15th Makaram 1110.

JOINT SITTING OF THE SRI MULAM ASSEMBLY AND THE SRI CHITRA STATE COUNCIL.

A joint sitting of the Sri Mulam Assembly and the Sri Chitra State Council was held in the Victoria Jubilee Town Hall at 11-30 A. M.

The Dewan addressed the members as follows: -

Honourable Members of the Legislature.

It will be within the recollection of the House that on the assumption of office as President of the Legislature, I had the privilege of addressing members of the Assembly at their first meeting on the 21st May last to extend to them my warm greetings and to express the hope that our relations will be happy and cordial during the time I had the honour to be the President. As I had explained on that occasion it was my intention to summon a joint session of the two Houses for that purpose but owing to the interval between the two Sessions which is inevitable I had to deny myself that privilege, more especially as my address was practically of a ceremonial nature. Much water has flowed under the bridge since then. Government have been engaged in various activities and have also been faced with diverse difficulties, to grapple which they have made all honest attempts keeping always in mind the happiness and contentment of the loyal subjects of His Highness the Maha Raja. I shall reiterate what I emphasised on the former occasion that I have always regarded a Legislative body such as yours as an integral part of Government and that both have equal responsibilities for the good and efficient conduct of the administration of the country. I also added that both Government and the Legislature have a common purpose to serve, namely, the happiness, prosperity and contentment of the loving subjects of our gracious Sovereign. It is in this light that I with to place before you this morning those aspects of the Governmental activities of which you are entitled to possess accurate knowledge and those incidents in the economic life of the people which occupied our attention during the last few months and the manner in which Government have so far attempted to tackle them and propose to do in future.

G. P. T. 2006. 350. 9-10-1110. B

[Dewan.]

I need make no secret of it that the one problem which has been pre-eminent in the mind of the Government recently relates to the serious economic situation which has arisen in the country owing to a variety of causes over which we have little or no control. In common with other parts of the world, Travancore has come under the grip of the slump which in its duration, intensity and effect on the finances of the various countries has been unprecedented in history. Its incidence on mainly agricultural countries like ours has proved to be more distressing than on Industrial Countries. The fall in the prices of agricultural produce has been far greater than in those of the manufactures with the result that the agriculturist is able to get hardly any return for his expenditure, time and labour. Added to this we have now to face the capriciousness of nature. The failure of the last two monsoons has made the prospects more gloomy. Government are aware that there has been a total failure of crops over considerable areas in certain taluks and partial failure in many others. Owing to the failure of the rains, cocoanut, pepper, tapioca and ginger cultivation in the State has been appreciably affected. And the shortage of water in the Kodayar Channel threatens to add to the difficulties of the ryots in some parts of South Travancore. It is gratifying, however, to observe that the tea and cardamom cultivations in the Devicolam Division are not much affected by scarcity of rain. I wish to assure the Honourable Members that the Government view this situation with concern and sympathy and are not lacking in their determination to afford such relief and assistance to the agriculturists of the State as circumstances may warrant.

Honourable Members will remember the representations made by them regarding the need for immediate relief to the agriculturists and the undertaking given by the Government on the floor of the House during the last Session of the Assembly. In pursuance of this promise Government sanctioned a number of concessions as temporary measures of relief. The tax on all *Ayacut* wet lands and tank bed conversions in the taluks of Tovala and Agastisvaram and on post settlement kayal reclamations in the taluks of Ambalapuzha, Changanachery and Kottayam was reduced by 18¾%. Land tax (including water rate) on all lands wet or dry including Kandukrishi and Sri Pandaravagai lands, but excluding lands cultivated with tea, rubber, cardamom or coffee was reduced by 12½ per cent. The total loss to Government on account of these concessions is estimated at Rs. 4·39 lakhs. Varying reductions in fees, both in Vernacular and English Schools from the 1st Kanni 1110 will result in a loss of Rs. 1·13 lakhs. The reduction in the rate of interest on Agricultural and Industrial loans from 6 per cent. to 4 per cent. will bring in a loss of Rs. 0·31 lakhs. And further, as Honourable Members are aware, the tariff rates on the produce of cocoanut trees for purposes of export duty were reduced with effect from the 1st Chingam 1110. The estimated loss under this head is Rs. 2·27 lakhs. Including the remissions

granted to abkari contractors on account of economic depression in general, the total loss to Government on account of relief already granted would amount to over Rs. 10 lakhs.

Thus the Honourable Members would agree that the Government have not been slow in granting reliefs when they were convinced about their necessity. It will therefore be conceded that Government continue to watch the situation with anxiety and will sympathetically consider the prayers for remission of taxes on lands where there has been a total failure of crop and for such other reliefs as are consistent with financial possibilities. The question of the manner and measure of further relief to be granted is engaging the serious attention of Government. The necessary data for this purpose is being collected expeditiously and Government hope to reach decisions in the near future. And further, Honourable Members will be interested to hear that Government are already contemplating the desirability of undertaking the repair and improvement of minor irrigation works in the State in general and setting apart additional funds for public works, particularly in areas where the distress is most keenly felt, with a view to provide employment to labourers and those thrown out of agricultural pursuits.

Government are fully alive to the fact that the economic life of the agriculturist in the State calls for a thorough examination with a view to adopting such measures as will improve his lot. The outstanding problem is that of agricultural indebtedness The State Banking Enquiry Committee put the figure between 20 to 25 crores. But since their report, conditions have been such as to lend colour to the view that their estimate was at best modest. The magnitude of the problem is so great and the interests involved are so important and perhaps even divergent that no hasty action could be justified. Nothing that may be done should unsettle that sound proposition that "an essential of agriculture is credit',. Whatever the country and whatever the tenure, the fact always remains that the agriculturist must borrow. And no relief measure could be said to have been wisely conceived which in any way affects this power of the agriculturists to borrow. As I said, the problem is one of great importance and requires much anxious thought. The Government have been recently considering various proposals put forward. I am glad to acknowledge with thanks certain constructive proposals laid before the Government by a representative and influential body of non-officials. These and others already before the Government demand a thorough examination based on facts and statistics. As Honourable Members are aware the Government have recently set up a small Committee consisting of an equal number of officials and non-officials to carefully examine the various proposals and make recommendations. I am glad to inform the House that the Committee has already started work and it is hoped it will complete it with the promptness which its importance demands.

As the Honourable Members were told the other day, the Government of India are starting a central marketing oganisation and this Government in common with British Provinces and other Indian

[Dewan.]

States have also been invitted to co-operate with them in this matter. I need not recall to your minds the fact that the Royal Commission on Agriculture in India examined carefully the present methods of marketing of agricultural products in India. They found that the average cultivator was a very small unit, generally ignorant and always incapable of influencing the methods of marketing of his products. They therefore urged the necessity for Government intervention in the matter and recommended the initiation of a comprehensive scheme of marketing survey and development. The Indian Central Banking Enquiry Committee generally endorsed these recommendations. At the Provincial Economic Conference, 1934, it was generally agreed that of all practical measures for improving economic conditions, an intensive programme to develop marketing facilities for agricultural products offered the best immediate prospects of substantial results. It is our hope also that through such efforts the agriculturists will be able to secure a better price for their produce. The development of this organisation will, I understand, be by different stages. Markets for different articles have to be first studied and surveyed, such for instance as places of production and consumption; standards devised which will be recognised by trade and improved and uniform methods of packing of a particular variety of goods adopted. Further, these activities will include an attempt at better organisation and control of markets with a view to securing scientific distribution of particular variety of goods based on the Law of Supply and Demand. By minimising the profits of the middleman the organisation will endeavour to secure the agriculturist fair price for his produce. To effectively co-operate with the Central Organisation at Delhi, Government had intended to set up a small Organisation here and a demand for that purpose was placed before the Assembly on the 21st instant. It was also our intention to approach the Agricultural Research Council for a contribution from the funds of the Government of India set apart for this purpose, after obtaining the blessing of the Assembly in favour of the scheme. I am, however, sorry to note that the House refused the demand, although in the course of discussion the need for such an organisation and its utility were not seriously disputed. I feel constrained to remark that if Government should decide to accept the verdict of the Assembly and isolate themselves from such an admittedly useful medium for consolidating and developing the much neglected trade prospects of the country, a very valuable opportunity will be lost both to the agriculturists and others whom this scheme is intended to benefit.

I have so far dealt with the distressing situation in which we find ourselves and have indicated the lines on which attempts are being made to help the agriculturists to tide over the present difficulties. But no scheme of relief, in my opinion, is complete unless it takes note of the other problem of the economic development of the country. The experiences of the slump period have established two unmistakable facts. The price of agricultural produce has generally suffered more than that of manufactured goods, because of overproduction and the growing

economic nationalism in the raw material-importing countries and the consequent restriction on imports. The other fact which follows from this is that countries where there is a sort of balance between production of raw materials and manufactured goods are better able to stave off the effects of economic depression and are in a position to bargain with their manufacturing competitors in respect of the trade in raw material. Turning to our own problems in Travancore, one is confronted with the paradox of a State rich in resources of a nature rarely met with elsewhere and neither lacking in man-power and yet its population almost rural, steeped in indebtedness of a staggering magnitude. Does it not indicate a want of adjustment somewhere in the economic structure of the State ? Agriculture is no doubt our basic industry and will continue as such. But if I may hazard an opinion the development of other industries and the exploitation of our own resources have not kept pace with the requirements of time. Any measures, therefore, designed to improve the economic condition of our people must aim at a simultaneous development of industries along with improvements in agricultural conditions. I take this opportunity of assuring the Honourable Members that the Government of His Highness are devoted to a policy of industrial and economic development of the State. And in its pursuit they welcome the co-operation and support of the people, for, in this matter of the augmentation of the wealth of the State, there can be nothing but community of interests between the Government and the people.

In this connection I may mention that as Honourable Members are aware the Govrnment have already sanctioned the setting up of a Rubber Factory in Trivandrum. The machinery is now on the way to Trivandrum and the building is expectdd to be completed in the course of the next few weeks. It is hoped that the factory will be a going concern in the near fulture.

It will, I am sure, interest Honourable Members to know that Government have investigated the possibilities in the china clay and porcelain industry in the State. The Head of the Ceramic Department of the Benares Hindu University was recently invited by Government to conduct investigations and his report is now before Government. From these investigations, it is gratifying to observe that sufficient clay deposits exist on the shores of the Kanjirode kayal in the Quilon taluk and in the Warkalai Hills and that at the rate of 20,000 tons of crude clay per year there is sufficient stuff for removal for a century or more. The possibilities of preparing the clay for sizing cotton yarn and the prospects of establishing a factory for the purpose have also been investigated The Expert has reported that in view of the excellent quality of our clay there is every prospect of working out a scheme on successful commercial basis. He has further reported that all necessary raw materials for producing porcelain and factory goods of a superior quality exist in abundance in Travancore and that a porcelain factory can, with advantage, be established here, The report is being carefully examined by Government,

[Dewan.]

At our request, the Government of India were pleased to place the services of Mr. Kamesam, the Timber Preservation Expert, on deputation to study and investigate the possibilities of utilising our enormous forest wealth. Mr. Kamesam has submitted his report and the Government propose to adopt at once some of his recomendations which will, it is anticipated, result in much saving. He has recommended the treatment of timber by "Ascu" which consists in the impregnation of a special compound of arsenic and copper under pressure into wood and the employment of such treated timber for bridges, buildings, electric and telephone posts. Out of the total of about 295 miles of transmission and distribution lines that have been proposed for the Pallivasal Scheme it has been recommended that an all-wood construction for about 222 miles may be used resulting in an anticipated saving of Rs. 5½ lakhs. As a first step, however, the Electrical Engineer has agreed to the use of "Ascu" in the construction of 11 K. V. transmisssion line alone. It is estimated that a saving of about Rs. 1½ lakhs can be expected within the next three years on this head.

While I am on this subject I may mention that the work in connection with the Pallivasal Project has made considerable progress during the last year. One of the main items of work in connection with the project is the construction of a water tunnel of about two miles in length, a good portion of which has already been completed. The excavation of the pipe line route is practically finished and all other works connected with the project are well in hand and, thanks to the enthusiasm of the Electrical Engineer and the Tunnel Expert, it has been possible so far to keep the construction programme to well within the original scheduled programme. Honourable Members will be glad to hear that already negotiations are in progress with certain big commercial concerns interested in some industries in North Travancore for the sale of power. On the whole the scheme promises to fulfil all the expectations which were formed at its initiation. It must be a matter of great gratification to us that His Highness the Maha Raja has graciously consented to lay the corner stone of the Power House early in March next, thus signalising his abiding interest in the industrial development of the State. I may also mention that this will be the first occasion when a Ruler of Travancore visits the Devicolam Division. One pleasing feature of the Pallivasal Project is, I must say, the increasing importance it brings to the hitherto much-neglected Devicolam Division. My tours in that Division soon after I assumed office have convinced me of the immense wealth of that Division which lies unexplored. Its problems and the possibilities of exploiting its resources in these days of unemployment are engaging the earnest attention of Government.

Any plan designed to ameliorate the economic condition of the people should, it will be admitted, give due importance to the development and revival of the various cottage industries of Travancore,

As in other parts of India, cottage industries here also have in the past occupied an important place in the life of the rural population. But unfortunately they are found to-day in various stages of decay so much so the agriculturist has lost that something on which he could fall back during off-seasons or unfavourable climatic conditions. The Department of Industries is at present examining and studying the lines on which the development and revival of cottage industries in the State could be effected. The object in view will be the development of these industries not only by popularising the existing methods in vogue in the various industries but also the teaching of improved and standardized methods. With the availability of cheap electric power in the State within the next two years it is to be hoped that cottage industries will once again take their place in rural Travancore. As a preliminary to their development it is necessary that a survey of such industries in the State should be conducted. The object of such a survey will be the collection of detailed information regarding cottage industries such as the methods in vogue, the tools and appliances in use, the number of persons employed in a particular industry, the availability of the requisite raw materials and markets for the finished products. Such information will be of immense advantage to the department in deciding which industries deserve immediate encouragement and which others admit of improved methods and innovations The Government propose to sanction a survey to be conducted, taluk by taluk, with the assistance of Tahsildars who will collect the preliminary information as per the questionnaire to be issued by the Director of Industries. It is under contemplation that further detailed enquiries should be entrusted to an officer to be detailed for that work under the Department of Industries.

Before leaving this subject, I would warn the House that there is no short-cut to the improvement of economic conditions which could only be attained by steady and co-ordinated work, by agricultural propaganda and by development of our resources and industries. It will depend again on the co-operation of the people and on the active assistance which the educated classes will be able to render to the administration. At present various departments of the State share the work of economic development and reconstruction, with the inevitable result that an absence of co-ordination of efforts often leads either to a lack of policy or its continuity. Our problems have reached such a stage that a co-ordinating agency will help the pursuit of sustained and planned action in the field of rural and economic reconstruction. This matter, I may mention in passing, is engaging my serious thought.

As Honourable Members are aware the Report of the Retrenchment Committee has been engaging the attention of the Government for some time. The Committee's recommendation regarding the abolition of certain appointments and reduction of some establishments were carefully examined and orders have already been passed thereon. The other recommendation of the Committee regarding standardization of salaries has been under the consideration of Government since then.

[Dewan.]

Keeping in view the fact that the scales of pay should be sufficiently attractive to secure the right type of individuals but at the same time not to be an unnecessary burden to the tax-payer, the Government have revisd the existing scales of pay in the several departments. This revision is expected to result in a reduction of Rs. 4,71,000 per annum in the average cost when the scheme is in full operation. To check the steady rise in expenditure the period during which an increment is earned will be doubled in most cases and the amount of increment substantially reduced. As the existing scale of pay consist of a very large number of varying and overlapping scales as a result of which officers with more or less similar qualifications serving in different departments have meagre chances of promotion, the number of scales have been substantially reduced. The number of scales in vogue is 249, while in the proposed scheme it has been reduced to 30 and the pay of the various grades in the different departments made practically uniform. It was ordered already that all appointments made after 32-10-10-1109/14-6-1934 will be subject to revision as per the standards now sanctioned. Those subordinates who held permanent or *Sub-protem* posts on that date will, however, retain the old scales of pay till their appointment is changed by promotion to any higher grade. The revised scales of pay will come into force with effect from 1-7-1110/13-2-1955.

Another matter of allied interest is the thorny problem of the representation of the various communities in the services. I need not reiterate His Highness's assurance that all classes of His Highness's subjects will be afforded an opportunity of serving the State. With this object in view a Public Service Recruitment Committee was appointed and they have already submitted their report which has since become a subject of considerable controversy. It was also discussed and analysed on the floor of both the Houses and the impression left is one of absolute lack of harmony between any two opinions. In this maze of controversy the Government decided that the report and the whole question of recruitment to the services should be examined by an officer of high status who could bring to bear judicial detachment on the problem. As Honourable Members know, Dr. G. D. Nokes, a Judge of the High Court, has been at work already and his recommendations are expected to reach Government within the next few weeks. He is further charged with the duty of drafting rules and regulations for the constitution of a Public Service Commission. As soon as these and his other recommendations are received, Government will seriously consider the desirability of setting up a Public Service Commission in the State.

Honourable Members, I should, before I conclude, refer to one or two matters in which not only Travancore's interests are vitally affected but which have agitated the whole of South India-I refer to the Rubber Restriction Scheme and the condition of cocoanut trade. As Honourable Members are aware the Rubber Restriction Scheme was put into operation in India from 1st June 1934. In view of the fact that

no information was available regarding the basis on which the quota for the respective parties was fixed, this Government while formally agreeing to the scheme, reserved to themselves the right to press for a revision of their basic quota later on if the statistics warranted such a procedure. The Indian Rubber Licensing Committee since then went into the question in minute detail and collected complete and accurate statistics of the area of rubber cultivation in South India including Travancore. From the report of this Committee it is seen that the acreage under rubber cultivation in this State at the end of 1932 was 97,654·61 acres. It was clear that in calculating the quota for South India the export from the Alleppey Port had not been taken into consideration. This report and the figures formed a reliable and reasonable basis for placing the case of Travancore for an enhanced quota before the International Committee. Government have accordingly submitted representations to the Government of India to move the International Committee to enhance our quota on the basis of the figures now available. Necessarily also, this Government have to postpone legislation to enforce the Rubber Restriction Scheme until the result of our representation for the raising of the quota is known. I am happy to say that we have reasons to believe that the International Committee may favourably decide this question and substantially increase our quota.

As I said another matter of vital importance to Travancore is the condition of our cocoanut trade. It is a common place that the prosperity of the West Coast is essentially bound up with the state of this industry. In pre-war days, owing to a series of fortunate circumstances and under the protection of an import duty, Indian producers were able to secure and maintain almost a monopoly in Indian markets. But immediately following the war certain factors such as the use of substitutes for cocoanut produce and the huge investments in cocoanut plantations abroad have entered the picture, leading to overproduction and the consequential unprecedented fall in prices. The surplus stock in the markets of the world, it is estimated now, approximates to one year's normal consumption. The general economic depression led to a decrease in the consumption of cocoanut produce such as fats and oil. The increase in production and decrease in consumption induced each consuming country to conserve the available markets for itself. Thus the American markets were reserved almost exclusively for Philippine cocoanuts. And the consumers in the continent of Europe also got their supplies mainly from their own Colonies and Dependencies. But in India unfortunately the Indian grower is faced with keen competition in his own markets which were hitherto his close preserve. This Government have always held the view that any reduction in the rate of import duty or tariff value is decidedly to the detriment of the Indian growers, and have time and again represented their views to the Government of India whenever the latter were engaged in examining the question of revising the tariffs or altering the rate of duty. It was felt that we were losing our points for lack of representation on organisations

[Dewan.]

which might present our case and support it in the Councels of the Government of India. For this, among other reasons, Travancore secured representation on the Imperial Council of Agricultural Research. At the very first meeting of the advisory Board of this Council at which we were represented, the Report of the Special Cocoanut Officer came up for discussion. Our claims for protection were strongly urged and in consequence the report was referred for fuller consideration to a Sub-Committee of the Board. Memoranda setting forth our claims for protection and meeting objections raised by competing interests were submitted to this Sub-Committee. The Sub-Committee has just concluded its labours and the Government feel that our position has been fully appreciated by the members of this Committee. With renewed confidence this Government hope to pursue this matter to the utmost extent of our efforts.

The joint sitting terminated at 12-25 P. M.

The Assembly met again in the Victoria Jubilee Town Hall at 1 P. M. with the Deputy President in the Chair.

THE TRIVANDRUM CITY MUNICIPAL BILL AND THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

MESSAGES FROM THE SRI CHITRA STATE COUNCIL.

The Secretary then read the following Messages from the Secretary to the Sri Chitra State Council :—

(1) "At the meeting of the Sri Chitra State Council held on the 28th January 1935, the Council refused to concur in the motion of the Sri Mulam Assembly that the Trivandrum City Municipal Bill should be Committed to a Joint Committee of the Council and the Assembly"

(2) "The motion of the Sri Mulam Assembly desiring concurrence of the Councit to commit the Travancore District Municipalities Bill to a Joint Committee of the Council and the Assembly was withdrawn by the member, who gave notice of it, at the meeting of the Council held on the 28th January 1935."

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : With your permission, Sir, I beg to make a statement with regard to the future course of these Bills. The House is certainly aware that it was this House that moved that the Bills be committed to a Joint Committee of members of both the Houses. But the Council has refused to accept the motion. However, as the point has been referred to the House, on a technical ground, I move that the motion for a Select Committee may be made at a subsequent session.

MR. A. THANU PILLAI (*Trivandrum-Rural*): May I know from the member whether the Council was against the suggestion of this House on the ground that in respect of this Bill there are no special reason why such a course should be adopted or whether they refused to elect members to *any* Joint Select Committee. In other words, did they object to the working of the Rule as to election for Joint Select Committees or to the constitution of a Select Committee on this Bill on special grounds?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The motion was moved by an official member that the Council do concur to the Assembly's motion to consider the City Municipalities Bill. It was opposed. Various arguments were put forward, and the motion was thrown out. That is all that we are concerned with here. We are not concerned with their reasons for throwing out the motion.

DEPUTY PRESIDENT: I am quite sure that the House will agree that we can consider only the statement of the Law Member and not the reasons that weighed with the other House. We are concerned only with the communication from the Sri Chitra Council.

MR. A. THANU PILLAI (*Trivandrum—Rural*): A word of personal explanation. I put that question in order that we may know the reasons so that we may shape our future conduct accordingly. If their objection is with regard to the working of the Rule, then that shows that the Rule needs amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall not take the responsibility of interpreting the reasons for the opposition by the Council. Mr. Thanu Pillai can read the official reports of the Council and form his own impression. This House is concerned only with the decision of the other House. They have refused to concur with our motion, and we have to shape our procedure accordingly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Is there not a motion that the matter must be considered by a Joint Select Committee of the two Houses? Does it not still stand?

DEPUTY PRESIDENT: The House now meets only for certain purposes which were notified last day when we met. It was not understood that this House is to transact any business other than what was mentioned. The City Municipal Bill and the District Municipalities Bill were not proposed to be taken up at this meeting. I think we shall not be in order, nor will it be expedient if we take them up for consideration now.

The House adjourned *sine die* at 1-7 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

Annexure.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE OF THE SRI CHITRA STATE COUNCIL AND THE SRI MULAM ASSEMBLY HELD ON THE 16TH JANUARY 1935/3RD MAKARAM 1110.

The first meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly was held at 11-30 A.M. on Wednesday, the 16th January 1935/3rd Makaram 1110, in the Dewan's room, Public Offices.

The following members were present:—

1. Khan Bahadur Sir Muhammad Habibullah Sahib Bahadur, K. C. S. I., K. C. I. E., Kt., LL. D., Dewan—President.
2. M. N. Paramesvaran Pillai Esq., B. A., B. L., Member, Sri Chitra State Council.
3. A. S. Damodaran Asan Esq., B. A., B. L., Member, Sri Mulam Assembly.
4. K. Sankaran Esq., B. A., B. L., Member, Sri Mulam Assembly.
5. Rao Sahib N. Kunjan Pillai, M. A., B. SC., Ph. D., Chief Secretary to Government.
6. R. Nilakanta Pillai Esq., B. A., B. L., Financial Secretary to Government.

1. The Committee took up for consideration the proposal to provide a sum of Rs. 3,000 for law charges in connection with the acquisition of lands for markets. The Committee accepted the proposal and agreed to the amount being provided in the budget for 1110.

2. The Committee approved the proposal for the opening of a special survey class in 1110 and agreed to the provision of a sum of Rs. 900 for the purpose in the budget.

3. The proposal for the allotment of Rs. 1,845 for the printing and mounting of 500 copies of the wall map of Travancore by the Superintendent of Survey for use in schools was next taken up for consideration and the Committee accepted the proposal and agreed to the amount being provided in the budget.

4. The proposal to replace the piecework copyist of the Village Panchayat Court, Attingal by a full-time copyist on Rs. 15 per mensem was accepted and the provision of a sum of Rs. 75 in the budget to meet the expenditure from Kumbham 1110 was agreed to by the Committee.

The Dewan promised to consider the suggestion of Mr. Damodaran Asan that there should be full-time copyists in the Taluk Cutcherries,

5. The Committee next took up for consideration the appointment of the following staff to work in co-operation with the central marketing staff of the Government of India:—

(i) A senior Marketing officer on Rs. 200-10/2-250 per mensem.
(ii) A junior Marketing officer on Rs. 100-10/2-150 per mensem.
(iii) Two clerks (with typing experience) on Rs. 25-3/2-40 per mensem one to each of the two officers.
(iv) Two peons on Rs 9-1/6-11 one to each of the officers.
(v) Rs. 1,000 under T. A. for both the officers together for the remaining five months in this year.
(vi) Rs. 300 under office rent.
(vii) Rs. 300 under contingencies.

The Dewan explained the object underlying the proposal. The Committee thereupon agreed to the provision of a sum of Rs. 3,440 required for the purpose in the budget.

6. The proposal for the extension of study leave with lodging allowance till the end of December 1934 to Mr. A. Narayanan Nair, Fishery Inspector, and the provision of a sum of Rs. 1,005 on account of the same was agreed to by the Committee.

7. The Committee approved the proposal for the provision of a sum of Rs. 6,000 for the supply of salt to fish curers at concessional rates.

8. The Committee next considered the proposal for effecting improvements to the General Hospital, Trivandrum, as detailed below, at a cost of Rs. 15,000:—

(1) The construction of two Surgical Wards, 60 ft. by 20 ft. each;

(2) Plastering of the walls of the existing Surgical Ward with Parapin or any other washable paint;

(3) Construction of an additional Operation Theatre, 20 ft. by 15 ft. inlaid with glazed wall-tiles, on the western side of the present Operation Theatre, as also a Corridor leading to it from the present Sterilisation Room;

(4) Construction of a separate Office Room, 40 ft. by 20 ft., for the Medical Stores Branch, the present Office Room being converted into an additional Store Room; and

(5) Furnishing the two new Surgical Wards with cots, etc.

The proposal was accepted and the provision of a sum of Rs. 15,000 for the purpose was agreed to by the Committee.

9. The proposal for the appointment of an Entomological Assistant in the Public Health Department was next taken up for consideration. The Committee approved the same and agreed to the provision of a sum of Rs. 200 for the purpose in the current year's budget.

10. The proposal for an additional allotment of Rs. 11,200 required in connection with the purchase of 4 printing machines for the Government Press was accepted by the Committee and they agreed to the provision of a sum of Rs. 11,200 in the budget.

11. The Committee next took up for consideration the proposal to introduce the closed shelves system in the Trivandrum Public Library at a cost of Rs. 8,660 with a view to prevent the loss of books, and to provide a sum of Rs. 1,000 in the current year's budget. The Committee suggested that as the matter was not very urgent, the whole amount might be included in the next year's budget.

12. The proposal for an additional allotment of a sum of Rs 2,065 in the budget of the Co-operative Department for meeting the expenditure of the Co-operative Enquiry Committee was agreed to by the Committee.

13. The Committee next took up for consideration the proposal for the construction of mansonry boundary pillars at Neendakara anchorage and approved the provision of a sum of Rs. 8,200 for the purpose in the P. W. D. budget.

14. The proposal for paying Rs. 9,600 for the purchase of 800 copies of Volume VII of the Regulations and Proclamations, including the supplement, was then taken up for consideration. Mr. M. N. Paramesvaran Pillai remarked that 800 copies were unnecessary and that the price of Rs. 12 for a copy was too high. Messrs. Damodaran Asan and Sankaran suggested that the price might be fixed at Rs. 10 as in the case of each of the prior volumes. On being informed that the Government had already fixed the price at Rs. 12 for two books, viz., Volume VII and the supplement the Committee accepted the proposal for the purchase of 800 copies of these volumes at Rs. 12 each per set and agreed to the provision of a sum of Rs. 9,600 required for the purpose in the budget for 1110 under 38—Miscellaneous—Miscellaneous.

The Committee adjourned *sine die* at 1-30 P. M.

Trivandrum,
25th January 1935.

A. KUMARA PILLAI,
Convener,
Standing Finance Committee.

ANNEXURE.

GOVENMENT OF HIS HIGHNESS THE MAHARAJA OF TRAVANCORE.

G. O. R. O. C. No. 1128 of 33/ Legis. dated the 30th September 1933.

PUBLIC ACCOUNTS COMMITTEE.

Read :—

Under Section 79 of the Travancore Legislative Rules issued under date the 29th October 1932, the Government of His Highness the Maharaja have been pleased to constitute a Committee on Public Accounts, composed of the following members for 1109.

Official.

1. T. Austin Esq., I. C. S., Dewan of Travancore—Chairman (since reverted to British service).
   Sir M. Habibullah, Dewan of Travancore—Chairman.
2. Rao Sahib Dr. N. Kunjan Pillai M. A. B. Sc. Ph. D., Chief Secretary to Government.
3. Mr. R. Nilakanta Pillai B. A., B. L., Financial Secretary to Government.

Non-Official.

1. Mr. S. Piraviperumal Pillai, Member, Sri Chitra State Council.
2. Mr. K. R. Elenkath B. A., Member, Sri Mulam Assembly.
3. ,, K. C. Karunakaran B. A., B. Com. (Birm), Member, Sr Mulam Assembly.

Mr. R. Nilakanta Pillai B. A., B. L., will be the convener of the meetings of the Committee. Three members of whom at least two shall be non-officials, shall form the quorum of the Committee.

N. KUNJAN PILLAI,
Chief Secretary to Government.

REPORT

OF THE
PUBLIC ACCOUNTS COMMITTEE FOR 1109 M. E.
(A. D. 1933-34.)

1. The Committee on Public Accounts for the year 1109 constituted as per Government order No. R. O. C. 1128 of 33/Legis. dated 30th September 1933 commenced its sittings on 1st June 1934 and concluded its work on 15th June 1934. Three meetings were held on the dates noted below:—

1st June 1934.
14th Do.
15th Do.

2. The Audit and Appropriation Report for the year 1108 prepared by the Chief Account Officer was examined by the Committee in detail. It was noted that since the new Legislative reforms were brought into force with effect from 1st January 1933 corresponding to 18th Dhanu 1108 and in consequence, some of the items which were non-votable according to Regulation II of 1097 became votable from that date, the division of the expenditure for the year 1108 into votable and non-votable and their examination separately were not possible.

PART I.

Appropriation Accounts.

3. *Comparison of the actuals with grants.*—The tabular statement below gives the variations between the total grants (voted and non-voted) and the actuals of the year.

(In lakhs of Rupees.)

Particulars.	Expenditure charged to Revenue (including Refunds and working expenses.)	Capital Expenditure.	Disbursement of Loans and Advances.	Total.
Amount originally sanctioned	230 69	18·93	5·00	254·62
Supplementary grants under voted and non-voted heads (including authorised grants)	12 05	1·40	·93	14·38
Total	242·74	20·33	5·93	269·00
Total Expenditure	237·87	10·92	5·90	254·69
Savings	4·87	9·41	·03	14·31
				5·32°/o

4. *Savings.*—There was thus a saving of Rs. 14·31 lakhs or 5·32 per cent in the Final grant.

Comments on matters arising out of the Appropriation Accounts for the year 1108.

5. *Necessity for authorised grants.*—The necessity for sanctioning grants amounting to Rs. 5 lakhs nearly under Section 16, sub-section 9 of Regulation II of 1097 and Section 32 of Regulation II of 1108 during the year was examined. It was urged that at least the Finance Committee should have been consulted except in very emergent cases. The President assured the Committee that in future whenever it became necessary to spent money which was not included in the budget, the matter would be placed before the Finance Committee except in very emergent cases when such a procedure would not be feasible.

6. *Lapses of funds.*—The Committee observed that Heads of Departments had provided in the budget more funds than were necessary for the actual expenditure of the year. It was proposed that in future Heads of Departments should be asked to budget only for such items of expenditure which they could spend before the close of the year.

7. *Surrenders.*—It was observed by the Committee that the savings of departments were not surrendered by Heads of Departments as required under Article 244 of the Account Code, Part I and that in future Heads of Departments should be asked to make surrenders according to rules.

8. *Excess Expenditure.*—The excess expenditure in the Registration Department and under Superannuation allowances and pensions was examined. The excess in the Registration Department was inevitable as it related to payment of leave allowances for which no provision was made in the budget. As regards Superannuation allowances and pensions, the Committee accepted the explanation that it was not possible to make an accurate forecast of the amount that would have to be paid in any year under the items.

The expenditure of a sum of Rs. ·01 of a lakh under Capital Expenditure—construction of a bridge across Neendakara Bar when there was no budget provision was examined and it was found that necessary provision had been made by diversion from the allotment for Trivandrum Water works. The expenditure was unforeseen at the time of the budget as it related to the fitting up of U bolts to the planks in the Neendakara bridge to prevent rattling. The Financial Secretary stated that in future such small items of expenditure relating to completed Capital Works would be debited to the Service Head P. W. D.

9. The propriety of expenditure under the following items was discussed :—

(a) *Excise Department.*—Temporary staff for the compilation of Customs Statistics.

The work turned out by the above staff was examined. With a view to make it really useful to the trading classes it was suggested that statistics regarding imports and exports for dutiable and non-dutiable

articles for each Chowkey separately should hereafter be collected and that the statistics for each month should be published in the Gazette during the succeeding month.

Customs Revenue.—With a view to check the leakage of revenue in the Customs Department it was proposed to draft one of the existing Assistant Excise Commissioners in the department to the Customs branch separately.

(b) *Department of Industries.*

(i) *Sales Depot at Trivandrum.*—The net loss incurred by the Government on account of the Trivandrum Depot was noted by the Committee. Its purpose as an advertisement medium was also found not to have been properly served. In order to encourage sales in the Depot, it was suggested that the rate of commission on articles sold might be fixed from 5 per cent. to 15 per cent. according to the nature of the articles sold instead of the existing flat rate of 12½ %.

(ii) *Minor Industries.*—It was the opinion of the Committee that the Dyeing Expert should be under the control of the Central Technological Institute where dyeing and printing are attended to instead of under the Industrial Chemist.

(iii) *Purchase of articles of Industrial value by the Director of Industries. Amount sanctioned under Emergency Clause.* Rs. 1,000

It was noted that out of Rs. 1,000 sanctioned under the Emergency Clause, only a sum of Rs. 100 was utilised for the purpose and that a good portion of it was spent for purchasing books even though there was already a budget provision of Rs. 200 under that item. The Committee therefore observed that the action of the Director was irregular.

10. *Assets and Liabilities of the Government for the year 1108.*

The Statements of Assets and Liabilities were examined in detail and the following facts noted.—

(a) *Capital spent for the Quilon-Shencottah Railway.* The Committee examined the question of liability of the Travancore Government on the above account and it was found that according to the decision of the Government of India, the Travancore Government are not legally bound to take over the line after the year 1945 while they still retained the option of taking it after that date. There was therefore no liability on Travancore Government at present regarding the line.

(b) *Surplus Investments.* The noting in the budget of the market value of the investments on Government of India Securities was found to be impossible as the value of the securities was always fluctuating.

(c) *Shares in the Travancore Sugars.* (Rs. 2½ lakhs).

It was found that the factory is now working satisfactorily under the management of Mr. N. S. T. Chari.

(d) *Miscellaneous loans and advances.* The details under the head were examined and the Committee was satisfied that the loans and advances were made on proper security and that they were recoverable.

PART II.

COMMENTS ON MATTERS ARISING OUT OF THE AUDIT REPORT FOR THE YEAR 1108 M. E.

11. *Defalcations.* The necessity for a detailed audit of departmental receipts with a view to check defalcations was then discussed. It was noted that according to existing rules the responsibility of checking receipts rested with the Departmental Heads. A regular periodical review of departmental receipts was proposed to be conducted by Government and a scheme to that effect was asked to be drawn up by Government.

12. *Appointment of outsiders to grades other than the lowest.* The Committee agreed to the view expressed in the Report by the Account Officer that in future, in departments having graded appointments, initial appointment should not be made to any grade other than the lowest except with the specific sanction of Government.

13. *Finacial and other irregularities.* The Financial and other irregularities pointed out in the Report were scrutinised. It was decided that Government should be requested to issue instructions to Heads of Departments to avoid the irregularities of the kind pointed out in the Report as far as possible in the future.

A detailed account of the proceedings of the Committee is given as an appendix to the Report.

Trivandrum,
7th August 1934.

R. NILACANTA PILLAI,
Convener and Secretary.

PROCEEDINGS OF THE MEETINGS OF THE PUBLIC ACCOUNTS COMMITTEE.

Dated Friday the 1st June 1934/19th Idavom 1109.

FIRST DAY.

Members present—

Sir M. Habibullah, Dewan, Chairman.

Rao Sahib Dr. N. Kunjan Pillai, Chief Secretary to Government.

Mr. R. Nilakanta Pillai, Financial Secretary to Government.

Mr. K. C. Karunakaran, Member, Sri Mulam Assembly.

Mr. K. R. Elenkath, Member, Sri Mulam Assembly.

Mr. S. Piraviperumal Pillai, Member, Sri Chitra state Council.

The Committee met at 11-30 A. M. in the Dewan's Office in the Huzur Cutcherry. The Chairman, in opening the business observed that the Committee was meeting for the first time after the Reformed Legislature and that it had very important functions. The Committee, he said, had to satisfy itself whether the grants made had been properly spent, whether care had been taken to expend them economically and whether there had been any mishandling of funds.

The Chairman further remarked that the Report of the Committee would be placed before both the Houses and they would be given an opportunity of discussing it in the shape of resolutions, so that the functions of the Public Accounts Committee consisted not merely in a general bird's eye view of the accounts, but also in examing with an impartial eye the various important items to which the attention of Government should be drawn. The work therefore had to be done on a regularised plan.

Mr. Elenkath said that the Financial Secretary's Audit and Appropriation Report was sent to the members only a week before, and that as both the Houses were in sessions, they were not able to go through the same carefully. They therefore wanted some time to study it. The Chairman replied that a week's time might ordinarily be sufficient and the members agreed to the same.

Mr. Piraviperumal Pillai suggested that the non-official members would go through the report, select points and send them on to the Financial Secretary for consideration and remarks.

The Chairman agreed to this arrangement and stated that all spade work should be done before the Committee met again. Each member might send in requests for additional information and it might be that the same requests may be made by more members than one. The Financial Secretary would prepare a list of all the points so raised and if any of the Heads of Departments had to be examined he would range for their attendance. The Chairman also remarked that there was no object in hustling through things, for he hoped and wished to see the two Houses to be the ideals of Legislature.

The Committee decided to meet again on the 14th and 15th June at 11-30 A. M.

The meeting was adjourned at 12-15 P. M.

SECOND DAY.

Thursday the 14th June 1934/32nd Idavam 1109.

Members present—

Sir. M. Habibullah, Dewan, Chairman.

Rao Sahib Dr. N. Kunjan Pillai, Chief Secretary to Government.

Mr. R. Nilakanda Pillai, Financial Secretary to Government.

Mr. K. C Karunakaran, Member, Sri Mulam Assembly.

Mr. K. R. Elenkath, Member, Sri Mulam Assembly.

Mr. S. Piraviperumal Pillai, Member, Sri Chitra State Council.

The Committee met at 11-30 A. M. in the Dewan's Office in the Huzur Cutcherry. The discussions of the day were chiefly based on the questions already sent to the Financial Secretary by the non-official members.

Statment of Assets and Liabilities.

(1) Liability on Quilon Shencottah Railway. Pages 40 and 41 of the Audit and Appropriation Report.

Mr. P. Piraviperumal Pillai in opening the discussion wanted to know whether the statement of Assets and Liabilities could be relied on and if so to what extent. He considered this information important from the commercial standpoint. He also drew the attention of the Committee to Page 41 of the Report and asked why the payment due to the Secretary of State for India on account of the Quilon-Shencottah Railway and was not shown as liability in the statement of Assets and Liabilities, while

it was shown as such in the Administration Reports of previous years. The Financial Secretary stated that so far as the Quilon—Shencottah Railway was concerned, Government of Travancore were not legally liable to repay the capital advanced by the Secretary of State for the construction of the line. Nevertheless, on the assumption that we are bound to take over the line after 1945, on payment of the capital cost, a sinking fund was created for the discharge of the said liability. On a reference to the Government of India on the subject, they have declared that there is no legal liability attaching to this State, in respect of the repayment of the capital advanced by the Secretary of State for the construction of the above line and that the Travancore State could utilise the Railway Sinking Fund created by them in any manner they chose. As the amount advanced by the Secretary of State for the construction of the Quilon—Shencottah line was therefore not a liability attaching to this State, the same was not shown in the Assets and Liabilities statement. The Committee accepted the Financial Secretary's statement on the subject.

(2) The market value of surplus investments totalling Rs. 211·95 lakhs and of Sinking Fund investments totalling Rs. 80·38 lakhs. (Pages 40 and 41 of the Audit and Appropriation Report.)

Mr. Piraviperumal Pillai wanted to know whether a foot-note might not be added in the budget regarding the exact market value of investments made by the Government in Government of India securities, since the information was deemed an important factor in all commercial undertakings.

The Financial Secretary replied that excepting the 3 and 3½ per-cent (old) securities which were purchased probably about 40 or 50 years ago, all the other gilt-edged securities held by the Travancore Government were now quoted above par value. The market prices of the gilt-edged securities are changing daily and sometimes hourly. The budget estimates would be prepared on a particular date, they would be issued to the members on another date and would come up for discussion, probably on a third date. As the prices of these securities were not constant, no useful purpose would be served by quoting the prices of these securities in the budget unless Government were prepared to write off the depreciation each year or to take credit each year, on account of their appreciation. The statement of the Financial Secretary was accepted.

(3) Special deposits and shares in Industrial concerns totalling Rs. 4·58 lakhs. (Page 40 of the Audit and Appropriation Report.)

Mr. Piraviperumal Pillai requested to be informed about the present value of the shares taken by Government in the Travancore Sugars and also whether shares were available for sale.

The Financial Secretary replied that several persons are now prepared to buy the shares of the Travancore Sugars Ltd., but that shares are not available for sale.

The Factory at Thuckalay which was handed over to Mr. N. S. T. Chari during 1933 is working satisfactorily and earning good profits. But there was a loss in the working of the factory prior to the handing over of the same to Mr. N. S. T. Chari. The loss calculated from the date of the opening of the factory amounted to nearly Rs. $1\frac{1}{2}$ lakhs. This loss had to be wiped off by profits earned and it might take some time for this to be done. Dividends could be declared, only after the loss had been wiped off and by the time dividends are declared the value of the shares would certainly rise high.

(4) Purchase of Malayalam wall maps of Travancore by the Education Department.

Mr. Piraviperumal Pillai pointed out that though certain wall maps of Travancore had been prescribed by Government, the maps purchased by the Education Department in 1108 were not those prescribed. The member also questioned whether the rules regarding purchase of stores were observed by Heads of Departments and if so how the vouchers in regard to the purchase of wall maps were certified to. The Financial Secretary stated that the purchase of the maps in question did not contravene the store purchase rules as Government had eventually sanctioned the purchase. Mr. Piraviperumal Pillai wanted to know how Government accorded sanction for that purchase and how the purchase was continued for the last three years in spite of protests from the non-official members of the council. The question was deferred by the Committee for consideration the next day in the presence of Mr. C. V. Chandrasekharan, Deputy Director of Public Instruction.

Necessity for authorised grants under I. Land Revenue. (Pages 24 and 45 of the Audit and Appropriation Report.)

Mr. Elankath questioned the necessity for the authorised grants under the Land Revenue department which amounted to Rs. ·17 of a lakh while the savings in the department amounted to Rs. ·60 of a lakh. The authorisation should have been avoided under the circumstance.

The Financial Secretary pointed out that the savings in a big department like Land Revenue could not be forecasted at the beginning of the year. Further, the reasons for the savings under the head 'Land Revenue' are explained in the Audit and Appropriation Report itself (*vide* page 26).

The question why the expenditure under Jenmikaram and Revenue Settlement Works (*vide* page 45 of the Report) was not provided for in the budget, was next considered.

The Financial Secretary explained that the Travancore Jenmi and Kudiyan Regulation Amendment Bill was passed by the Council only in Dhanu 1108 and that as such the appointment of the Jenmikaram staff could be made only after that date. It was not therefore possible for provision being made in the budget of 1108.

The reason why the Legislature was not moved for a supplementary grant was next discussed.

Mr. Karunakaran pointed out that the amount certified to by Government was much greater than the supplementary grant voted on by the Council (*vide* page 42 of the Report) and this was wrong on principle. At least the Finance Committee could have been consulted by Government in respect of the expenditure (Rs. 5 lakhs nearly) authorised under the emergency clause. He further pressed the point that as and when necessity arose the Finance Committee must be summoned and the opinion of the Committee obtained.

The Chief Secretary pointed out the practical difficulties in the matter of consulting the Finance Committee in every case since the demands from heads of departments were received by the Government piecemeal and that it would not be possible for the committee to meet on every such occasion. The Chairman assured the committee that, in future, whenever it became necessary to spend money which was not included in the budget, the matter would be placed before the Finance Committee except in very emergent cases when such a procedure would not be feasible.

Lapses of funds. (Page 58 para 121 of the Audit and Appropriation Report.)

Mr. Piraviperumal Pillai next drew the attention of Government to the fact that for the past several years it had been the practice with the Heads of Departments to cause huge allotments being provided in the budget without at the same time seeing that they were spent or that the unspent amount was surrendered to Government sufficiently early in the year. The unspent amounts naturally lapsed at the end of the year. The result was that funds would not be available for useful items of work. As an illustration he pointed out that he had been asking for a small road about a mile long from Chirayinkil to Edava for the past so many years and that he had repeatedly been told that there were no funds. If that road was opened it would be a source of large revenue to Government.

Mr. Elankath observed that in future Heads of Departments should be made answerable for such lapses. The Chairman agreed to the view that the Heads of Departments must in future be asked to scrutinise the demands properly and budget only for such items of expenditure which they could spend before the close of the year.

Mr. K. R. Elankath pointed out that the expenditure of Rs ·01 of a lakh, in connection with the Neendakara Bridge, was neither provided for in the budget nor sanctioned as a supplementary grant. The expenditure was also not authorised under the emergency clause. The Financial Secretary stated that the grant was sanctioned by diversion from the provision already made by the Council under Trivandrum Water Works and that the expenditure related to a fresh work done during 1108 for fitting up U bolts to the planks in the bridge to prevent rattling. The work was not contemplated at the time of the preparation of the budget. In future, such small items of expenditure, though of a capital nature will be debited to the Service Head—P. W. D.

Excess expenditure in connection with the construction of a Bridge across the Neendakara Bar. (Page 36 of the Audit and Appropriation Report.)

The Committee examined whether the loans given under "Miscellaneous Loans and Advances" were all given on proper security and were recoverable. The Financial Secretary assured that they were.

Loans made by Government—Miscellaneous Loans and Advances. (*Ref.* Statement of Assets and Liabilities on page 40 of the Audit and Appropriation Report.)

The Committee adjourned at 1 P. M.

The Committee met again at 3-20 P. M. In the absence of the Chairman (Dewan) his nominee Rao Sahib Dr. N. Kunjan Pillai, Chief Secretary to Government took the Chair.

Nature of the work done and details of expenditure incurred by the separate staff for the compilation of statistics in the Principal Customs Houses and in the Office of the Excise Commissioner.

Mr. K. Govinda Pillai, Assistant Excise Commissioner, Excise Commissioner's Office, was also present.

Mr. Karunakaran brought to the notice of the Committee that the statistics relating to imports and exports were not made available to the trading classes in time, in spite of the fact that a special staff had been appointed in the Excise Department for the purpose. Mr. K. Govinda Pillai, Assistant Excise Commissioner, Excise Commissioner's Office was examined. It was then found that the preparation of the statistics was originally meant only to supply Government with statistical information. But, however, from the beginning of 1109 the consolidated statistical figures of exports and imports were supplied to the Travancore

Chamber of Commerce, Alleppey also. It was pointed out that the statistical figures relating to exports and imports of both dutiable and non-dutiable articles should be given under each of the Customs Chowkeys separately. The statistical registers were then examined. A delay of three months was generally observed in getting ready the figures for a particular month and only consolidated figures were given. To remedy this defect, it was resolved by the Committee that the statistics for each month should be compiled as pointed out above at least by the 25th of the succeeding month and published in the next gazette. The Chief Secretary added that the establishment of a separate statistical section in the Secretariat was engaging the serious attention of Government and that when the new section was formed the existing difficulties experienced by the trading classes in the matter of obtaining statistics on commerce would be obviated to a considerable extent.

Expenditure on the Sales Depots at Trivandrum and Ooty. (Page 30 of the Audit and Appropriation Report.)

Mr. Karunakaran remarked that the Sales Depot, Trivandrum, was not working on a remunerative basis, that Government were spending about 59 Rupees per mensem under establishment charges and that there was a net loss of about Rs. 4½ per diem in continuing the Depot. He suggested that the Depot might be closed as there was only a very limited scope for it in Trivandrum. If it was proposed to continue the Depot, there ought to be a reduction in the present uniform rate of commission charges (*i. e.*, 12½ per cent.) for the sale of articles through the Depot. For instance the commission charges on mats and mattings should be only 5 per cent. For artistic things however, a commission of about 15 per cent. may be charged. So much so, the rates of commission may vary from 5 to 15 per cent. according to the nature of the articles. As regards the justification for the continuance of the Sales Depot at Trivandrum as an advertising medium, Mr. Karunakaran said that it was a sad spectacle to come across 15 orders in 16 months' time. This very fact again would lead to the conclusion that the Depot was a failure. If mony were spent on advertising Travancore goods in foreign countries such as Australia, just like what the Mysore Government are doing in respect of their Sandal Wood Oil and Soap or in public places such as Travellers' Bungalows and Public Offices it was likely to produce much better results.

It was resolved that the rates of commission charged on articles kept for sale in the Depot may vary from 5 to 15 per cent according to the nature of the articles sold. This was accepted for consideration by Government.

As regards the Sales Depot at Ooty the Chief Secretary stated that it had already been closed down.

Mr. Karunakaran observed that it was not right in principle that the Dyeing Expert should be placed under the supervision of the Industrial Chemist. The Dyeing Expert should be under the control of the Central Technological Institute where dyeing and weaving are attended to. The suggestion of Mr. Karunakaran was accepted for consideration by Government.

Expenditure on the Minor Industries of the Industries Department.
(Page 30 of the Audit and Appropriation Report)

Mr. Karunakaran wanted to know how the expenses of the North Indian Tour of the Director of Industries were met. The Financial Secretary explained that the necessary funds were made available from the budget head—'Miscellaneous'

Tour of the Director of Industries in North India.

Mr. Karunakaran further wanted to know the nature of the tour and whether the Director of Industries attempted to enlarge the existing markets or to create new markets for our articles in the big centres of trade he had visited. The Chief Secretary to Government stated that a Trade Agent had since been appointed in Bombay and that he would attend to all these items of work.

Mr. Karunakaran referred to para 81 of the Audit and Appropriation Report wherein is stated that a sum of Rs. ·01 of a lakh was placed at the disposal of the Director of Industries under the emergency clause for the purchase of articles of Industrial value. But the Director of Industries purchased articles to the value of about Rs. 100 only, while a good portion of the amount allotted for the purpose was spent for the purchase of books. Mr. Piraviperumal Pillai also drew the attention of the Committee to the fact that a separate allotment of Rs. 200 had been provided in the budget of the Industries Department for the purchase of books. The Committee noted that the action of the Director of Industries was irregular.

Purchase of articles of Industrial value by the Director of Industries.
(Page 30 of the Audit and Appropriation Report.)

Referring to the last sub-division of para 7 page 69 of the Audit and Appropriation Report Mr. Elankath observed that, in future, in departments having graded appointments, initial appointment should not be made to any grade other than the lowest except with the specific sanction of Government.

Appointment of outsiders to grades other than the lowest.

Mr. Piraviperumal Pillai raised the point whether it would not curtail virtually the powers of Heads of Departments in the matter of appointments.

The Financial Secretary stated that if Heads of Departments wanted to make initial appointments in any higher grade, they should obtain the specific sanction of Government. The Financial Secretary's suggestion in the Audit and Appropriation Report was accepted by the Committee for consideration by Government.

Mr. K. R. Elankath drew the attention of the Committee to the various irregularities, mostly due to ignorance of rules, printed out in the Audit and Appropriation Report pages 70 to 81. It was observed by the Committee that Government should see that such irregularties were avoided as far as possible in future and that Heads of Departments should specifically be instructed in the matter.

Financial and other irregularties pointed out in pages 70-81 of the Audit and Appropriation Report.

The question of defalcations in general and of methods for preventing them was then taken up, Mr. Karunakaran suggested the introduction of some sort of espionage system. Mr. Elankath demanded that all institutions having a revenue in excess of Rs. 15,000 per annum should be audited at least once in a year by the Outside Audit Department. The Financial Secretary pointed out that this would require additional staff. The question was postponed for consideration the next day.

Defalcations.

Mr. Piraviperumal Pillai drew the careful attention of the Committee to the statement made in para 101, page 34 of the Audit and Appropriation Report relating to the excess expenditure incurred in the Registration Department on account of the payment of leave allowances. The Financial Secretary stated that such excess expenditure was inevitable especially in minor departments in view of the fact that no specific provision was made in the budget for leave allowances. In case such a provision is made in the budget for leave allowances it may often be found that the whole amount so provided may not be utilised. Further, there may be a tendency on the part of the Heads of Departments to ask for the savings under this item being utilised for other purposes.

Excess expenditure in the Registration Department.

Mr. Piraviperumal Pillai brought the statement given in para 121 page 58 of the Audit and Appropriation Report, for the attention of the Committee. He stated that for several years, the savings were not surrendered by the Heads of Departments. After some discussion it was resolved that in future, Heads of Departments should be asked to make surrenders as provided for in Article 244 of the Account Code, Part I.

Surrenders and lapses.

Mr. Elankath wanted to know whether the amounts shown as increase in superannuation allowances and pensions could not be anticipated. The Financial Secretary stated that the exact amount of pension that would be granted in the coming year could not be calculated with any amount of certainty at the time of framing the buget.

Increase of expenditure under 'Superannuation allowances and pensions'. (Page 35, para 106 of the Audit and Appropriation Report.)

The Committee adjourned at 5-15 P. M.

THIRD DAY.

Friday, the 15th June 1934/1st Mithunam 1109.

Members present :—

Sir M. Habibullah, Dewan, Chairman.

Rao Sahib Dr. N. Kunjan Pillai, Chief Secretary to Government.

Mr. R. Nilakanta Pillai, Financial Secretary to Government.

Mr. K. C. Karunakaran, Member, Sri Mulam Assembly.

Mr. K. R. Elankath, Member, Sri Mulam Assembly.

Mr. S. Piraviperumal Pillai, Member, Sri Chitra State Council.

The Committee met again in the Dewan's Office at 11-30 A. M. and resumed discussion on the questions sent by the non-official members.

Audit of Receipts.

Mr. K. R. Elankath wanted to know whether Receipt Audit system was in vogue in the Account and Audit Department and what the Account Officer had to say with regard to the introduction of the system, if one was not already in vogue. He also suggested whether a receipt audit would not be useful in the case of all important institutions. The Financial Secretary pointed out that the Outside Audit staff of the Account Office was conducting only a test audit of the revenue receipts of certain institutions and in case the receipts of all important institutions were to be fully audited, a special staff would have to be appointed. He also stated that under the present rules the responsibility of checking receipts rested with Departmental Heads (Chapter 2, Account Code, Part I). The discussion then turned to the question whether the re was any provision in the Account Code where by the Financial Secretary or the Account Officer could find out defalcations i. e., moneys received in an office and not remitted into the treasury). The Financial Secretary observed that defalcations could be found out only on a complete audit of the accounts of the institution for the year. He further explained that except Municipalities, certain classes of institutions were being audited once a year, and others, once in three years and that institutions were taken up in turn on a regular programme according to which several institutions could be audited only once in three years. The Chairman observed that the present system of test audit was not sufficient to find out defalcation: since during the period of test there might not be any defalcation at all.

The Review of Receipts.

The Chairman suggested that a regular periodical review of receipts from the various departments might be conducted by Government so that the progress of collections from month to month could be watched and the arrears, if any, known at the end or each month. Periodical and proportionate collection also might be insisted on in the same way as periodical and proportionate expenditure was enforced. This would avoid accumulation of arrears at the end of each year. A particular date

might therefore be specified on or before which returns of receipts should be submitted to Government by the Departmental Heads and the same might be reviewed by Government within a week. The review might be conducted monthly or at longer intervals as might be decided upon. In the review, the officers might be given ranks in the order of the proportion which the actual revenue collections would bear to the demands and complemented for good work turned out. There would thus be created an incentive for good work and a spirit of emulation among officers. An Officer who once got a high rank might happen to be pulled down by another officer subsequently, by the more strenuous work of the latter. The suggestion was welcomed by the Committee. The Chief Secretary and the Financial Secretary were asked to formulate a scheme on the above lines.

Customs Revenue.

The suggestion of Mr. Elankath for appointing officers not below the rank of first grade clerks from the Accounts Department at the important Customs houses of the State to check leakage of revenue, as is done in British India, was discussed.

Mr. Karunakaran pointed out that the officers of the Account Office would find it difficult to check the leakage of revenue at the Customs Chowkeys and the Financial Secretary agreed to the view. He then suggested the appointment of one of the ten Assistant Excise Commissioners as a special officer for the above purpose. Mr. Elankath also observed that under the present arrangement the Assistant Excise Commissioners in the midst of their multifarious duties did not pay the necessary attention to the Customs branch and suggested that one of the Assistant Excise Commissioners might be put in charge of the Customs branch. Mr Elankath's suggestion was accepted by the Committee for the consideration of the Government.

Witness :—Mr. C. V. Chandrasekharan.
Deputy Director of Public Instruction.

Theft of Gymnasium articles from the Science College Trivandrum. (Page 74, para 25 of the Audit and appropriation Report).

Mr. C. V. Chandrasekharan the then Principal was questioned regarding the details of the theft and of the precautionary measures since adopted by him. He stated that the theft took place during the Onam Holidays, that the articles stolen consisted of one pair of Sandow's Chest Expander, one pair of Terry's Chest Expander one pair of Terry's Wall and Combination Exerciser and 4 pairs of Sandow's new model Grip Dumb bells and that their value amounted to Rs. 114-16-0. The keys of the Gymnasium were with the Instructor in Physical Training during the holidays but the locks were forced open and the articles stolen. The Police were not able to trace the culprits and the value of the articles has since been written off the accounts with the sanction of Government. He added that the Principal used to take an inventory

of the stock with the Stock Register once a year. Special precaution had been arranged to be taken to prevent a repetition of the occurrence.

Witness :—

Mr. C. V. Chandrasekharan, Deputy Director of Public Instruction,

Purchase of Malayalam Wall Maps of Travancore by the Education Department.

The previous day's discussion on the subject was continued.

The witness was questioned by Mr. S. Piraviperumal Pillai as to why in the face of a definite and express order prescribing Brahmanayagom Pillai's map for the year 1108, certain other maps that were condemned by Government since they contained many errors were purchased. The witness stated that Brahmanayagom Pillai's maps were prescribed in the absence of better maps and until the Survey Department prepared better maps for use in schools. The Inspector of Vernacular Schools relied on an earlier order of Government and allowed the option to the department to buy either Brahmanayagom Pillai's map or the map printed by the Vanivilas Publishing House. In answering the questions put, the witness said that the maps printed by the Vanivilas Publishing House were condemned since they contained many errors and that the Vanivilas Publishing House had later improved their maps and submitted the same to the Inspector with a certificate from the Survey Superintendent. To a further question whether the improved map of the Vanivilas Publishing House was forwarded officially by the education Department or Government to the Survey Superintendent for verification, the witness answered that the certificate was forwarded by the Publishers direct. When questioned as to what action was taken by the Government in the matter it was stated that Government on obtaining the explanation of the Inspector thought that it was more an error of judgment than any disobedience of orders and instructed the officer to be more careful in future.

Witness :—

Mr. R. Dhanukoti Pillai, Conservator of Forests.

Loss due to terms of agreement not being enforced. (Page 72, para 16 of the Audit and Appropriation Report).

Mr. Dhanukoti Pillai was questioned how the contract for the year 1107 was extended for a period of 4 months from Kumbhom 1108 leaving out of account the period from Chingom to Makaram 1108. The Conservator explained that the contract was for working down timber from registered lands. All the trees to be transported were felled and kept there before the end of 1107. These logs had to be taken through paddy fields and this was possible only in the month of Meenom or Medom that followed after the crops had been harvested. The Divisional Forest Officer was not correct in recommending extension of the contract for a period of 4 months only. He might probably

have thought that the contractor was not doing any work during the period from 1st Chingom 1108 to the end of Makaram 1108 and that therefore no extension for that period was necessary.

As regards the power of granting extensions it was explained that the Conservator had the power, provided it was satisfactorily proved that the delay in delivery was not due to the contractor's neglect, but to circumstances beyond his control. Fine was also not levied for the above reason. The explanation of the Conservator was accepted by the Committee,

In concluding the day's proceedings it was proposed to prepare a draft report and circulate the same among the members for suggestions if any, and to meet thereafter if necessary.

The non-official members of the Committee expressed their appreciation of the instructive report prepared by the Chief Account Officer and requested the Chairman to place the fact on record.

The Committee closed its sittings at 12-45. P. M.

M. HABIBULLAH.
N. KUNJAN PILLAI.
R. NILAKANTA PILLAI.
K. C. KARUNAKARAN.
K. R. ELANKATH.
S. PIRAVIPERUMAL PILLAI.

Annexure I.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE COMPANIES REGULATION AMENDMENT BILL.

To

The President,

Sri Mulam Assembly.

We the undersigned, members of the Select Committee appointed to consider the Travancore Companies Regulation Amendment Bill, have considered the same and beg now to submit this our Report.

CLAUSE 1.

We have no amendments to suggest to this Clause.

CLAUSE 2.

We are of opinion that all the documents which a company may possess need not be made subject to examination by the Registrar or other Officer. In view of the restriction that we propose to place as to the documents that may be allowed to be examined, we are of opinion that there is no necessity to exclude private Companies from the operation of this provision. We would accordingly recast the proposed Section 141 A. Sub-Section (1), as follows :—

"141 A (1) The books, accounts and other records of a Company, required by this Regulation or the rules thereunder, to be kept, shall, at all times, subject to such rules, if any, as may be prescribed, be open to inspection and audit at the office of the Company by the Registrar or by any person authorised by Our Government in that behalf, and it shall be the duty of every officer of the Company to produce to the Registrar or to the person authorised as aforesaid at the office of the Company all books, accounts and other records in his custody or power relating to the Company and to answer all questions relating to such books, accounts and records."

In the proposed Sub-Section (2), for the word "document", substitute the words "other records."

In the proposed Sub-Section (3), after the word "Registrar" insert the words "or other person authorised by Our Government as aforesaid."

CLAUSE 3.

In the proposed Section 142 (1) omit the word "into" occurring after the word "investigate" and substitute the word "as" for the word "at" in line 3 of that Section.

In the proposed Sub-Section (2) omit the word "into" occurring after the word "investigate."

In the proposed Sub-Section (2), Clause (iii) substitute the word "members" for "numbers."

In the proposed Sub-Section (2), Clause (iv), for the words "the report of the Registrar, substitute the words "a report".

CLAUSE 4.

This Clause may be accepted.

CLAUSE 5.

In the proposed Section 150 A (1), line 1, after the word "may", insert the words "whenever they deem fit to do so." In line 2, substitute the word "qualified" for "entitled". In lines 3 and 4, omit the words "either generally or for any special purpose."

The appointment of a Government Auditor must take place only for some special reason and not as a matter of routine. In order to make this clear, the First amendment suggested above, is proposed. We would also suggest that the Auditor so appointed should be one who holds some well recognised qualification.

The Bill has not received any substantial alteration and does not require to be republished.

We are appending hereto a copy of the Bill as revised by us.

(Sd.) T. K. Velu Pillai.
(Sd.) A. S. Damodaran Asan.
(Sd.) A. Easwara Pillai.
(Sd.) C. V. Kunju Raman.
(Sd.) T. P. Velayudhan Pillai.
(Sd.) K. Kunjukrishna Pillai.
(Sd.) T. S. Jayyntan Nambootiri.
(Sd.) K. Paramesvaran Pillai.
(Sd.) K. C. Karunakarn.

Annexure II.

THE TRAVANCORE COMPANIES REGULATION AMENDMENT BILL.

(BILL AS REVISED BY THE SELECT COMMITTEE).

(Words in italics indicate the amendments suggested by the Select Committee).

Preamble.

Where as it is expedient to amend the Travancore Companies Regulation, 1092 (I of 1092) for the purposes herein after appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called the Travancore Companies Amendment Regulation 1110

(2) It shall come into force at once.

2. In the Travancore Companies Regulation, 1092 (I of 1092) hereinafter referred to as the said Regulation, before Section 142 and under the heading "Inspection and Audit," the following Section shall be inserted, namely :—

Inspection and audit by Registrar.

"*141 A (1) The books, accounts and other records of a Company, required, by this Regulation or the rules thereunder to be kept, shall at all times, subject to such rules, if any, as may be prescribed, be open to inspection and audit at the office of the Company by the Registrar or by any person authorised by our Government in that behalf, and it shall be the duty of every Officer of the Company to produce to the Registrar or to the person authorised as aforesaid at the office of the Company all books, accounts and other records in his custody or power relating to the Company and to answer all questions relating to such books, accounts and records.*

(2) If any person refuses to produce any book, account or *other records* or to answer any question as required by Sub-Section (1) he shall be liable to a fine not exceeding fifty rupees in respect of each offence.

(3) The Registrar or *other person authorised by our Government as aforesaid,* may report to Our Government from time to time, as may be prescribed by Our Government, the result of such inspection or audit."

3. In the said Regulation, for Section 142, the following shall be substituted, namely :—

Investigation of affairs of Company by Inspectors or Registrar.

"142 (1) Our Government may, whenever they deem fit to do so, appoint one or more competent Inspectors to investigate the affairs of any Company and report thereon in such manner *as* Our Government may direct.

(2) Without prejudice to the generality of the foregoing power, Our Government may appoint one or more competent Inspectors to investigate the affairs of any Company and report thereon in such manner as Our Government may direct :—

(i) in the case of a Banking Company having a share capital, on the application of members holding not less than one-fifth of the shares issued;

(ii) in the case of any other Company having a share capital, on the application of members holding not less than one-tenth of the shares issued;

(iii) in the case of a Company not having a share capital, on the application of not less than one-fifth in number of the persons on the Company's register of members.

(iv) in the case of any company, on a report under Section 141 Sub-section (5) or Section 141 A, Sub-section (3) or on the report of any auditor under Section 150 A.

Explanation.– The Registrar may be appointed as an Inspector under this Section."

4. In the said Regulation, in Section 145 Sub-section (1), the following sentence shall be added at the end :—

"Copy of the report may be granted also to any shareholder in accordance with such rules as may be made by Our Government."

5. In the said Regulation, after Section 150, the following Section shall be inserted, namely :

Appointment of auditors by Government.

"150 A. (1) Our Government may, whenever they deem fit to do so, appoint any Officer of Our Government or any person qualified under Section 148 to be appointed as an Auditor of Companies to audit the books and accounts of any Company and the auditor so appointed shall have all the powers of an auditor under Section 149 (1). The auditor shall report to Our Government in such manner as may be prescribed.

(2) Copy of the report may be granted to any shareholder in accordance with such rules as may be made by Our Government."

Annexure III.

THE TRAVANCORE COMPANIES REGULATION (AMENDMENT) BILL.

(As passed by the Sri Chitra State Council.

Preamble.

Whereas it is expedient to amend the Travancore Companies Regulation, 1092 (I of 1092) for the purposes hereinafter appearing; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called the Travancore Companies Amendment Regulation 1110.

(2) It shall come into force at once.

2. In the Travancore Companies Regulation, 1092 (I of 1092) hereinafter referred to as the said Regulation, before Section 142 and under the heading "Inspection and Audit," the following Section shall be inserted, namely :—

Inspection and audit by Registrar.

"141 A (1) The books, accounts and other records of a Company, required, by this Regulation or the rules thereunder to be kept, shall at all times, subject to such rules if any, as may be prescribed, be open to inspection and audit at the office of the Company by the Registrar or by any person authorised by our Government in that behalf, and it shall be the duty of every officer of the Company to produce to the Registrar or to the person authorised as aforesaid at the office of the Company all books, accounts and other records in his custody or power relating to the Company and to answer all questions relating to such books, accounts and records.

(2) If any person refuses to produce any book, account or other records or to answer any question as required by Sub-section (1) he shall be liable to a fine not exceeding fifty rupees in respect of such offence.

(3) The Registrar or other person, authorised by our Government as aforesaid, may report to our Government from time to time, as may be prescribed yb our Government, the result of such inspection or audit."

3. In the said Regulation, for Section 142, the following shall be substituted, namely :—

Investigation of affairs of Company by Inspectors or Registrar.

"142 (1) Our Government may, whenever they deem fit to do so, appoint one or more competent Inspectors to investigate the affairs of any Company and report thereon in such manner as our Government may direct.

(2) Without prejudice to the generality of the foregoing power Our Government may appoint one or more competent Inspectors to investigate the affairs of any Company and report thereon in such manner as Our Government may direct:

(i) in the case of a Banking Company having a share capital on the application of members holding not less than one-fifth of the share issued;

(ii) in the case of any other Company having a share capital, on the application of members holding not less than one-tenth of the shares issued;

(iii) in the case of a Company not having a share capital, on the application of not less than one-fifth in number of the persons on the Company's register of members:

(iv) in the case of any company, on a report under Section 141 Sub-section (5) or section 141 A, Sub- section (3) or on the report of any auditor under Section 150 A.

Explanation:—The Registrar may be appointed as an Inspector under this Section"

4. In the said Regulation, in Section 145 Sub-section (1), the following sentence shall be added at the end:—

"Copy of the report may be granted also to any shareholder in accordance with such rules as may be made by Our Government."

5. In the said Regulation, after Section 150, the following Section shall be inserted, namely:

Appointment of auditors by Government.

"150 A, (1) Our Government may, whenever they deem fit to do so, appoint any Officer of Our Government or any person qualified under Section 148 to be appointed as an Auditor of Companies to audit the books and accounts of any Company and the auditor so appointed shall have all the powers of an auditor under Section 149 (1). The auditor shall report to Our Government in such manner as may be prescribed.

(2) Copy of the report may be granted to any shareholder in accordance with such rules as may be made by Our Government."

Trivandrum
30th January, 1935.

P. PARAMESVARAN PILLAI,
Secretary to the Sri Chitra State Council.

Annexure IV.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE COURT OF WARDS BILL.

To

The President,

Sri Mulam Assembly.

We, the undersigned, members of the Select Committee appointed to consider the Travancore Court of Wards Bill, have examined its provisions and beg to submit this, our Report.

Clause 1.

In clause 1, sub-clause (3), for the word "on" substitute the word "at once".

Clause 2.

In clause 2, line 1, before the figure "II" insert the word "Regulation."

Clause 5.

In clause 5, line 1, after the word "persons" insert the word "official or non-official."

Clause 7.

In clause 7, sub-clause (2), substitute the word "Peishkar" for "Peishkars" and after the word "Peishkar" so substituted, insert the words "or such other person."

Clause 9.

In clause 9, sub-clause (b), line 3, substitute the word "make" for the word "take".

In clause 9, proviso, line 2, for the word 'manner" substitute the word "manners".

Clause 10-

In clause 10, line 1, for the word "whether," substitute the word "if" and in lines 2 and 3, omit the words "or not".

Clause 11.

In clause 11, line 4, insert the words "facts and" before the word "circumstance."

Clause 23.

In clause 23, line 1, for the word "guardian", substitute the word "guardians".

Clause 26.

In clause 26, sub-clause (d), substitute the word "receipts" for the word "receipt."

In clause 26, sub-clause (e), for the words "apply for" substitute the word "obtain."

Clause 26, sub-clause (f), Renumber this as sub-clause (2) numbering the rest of clause 26 as 26 (1) and insert the words "The guardian shall" at the beginning of sub-clause (2) as renumbered.

Clause 27.

In clause 27, line 5 substitute the word "proper" for the word "good" and in line 6 substitute the word "proper" for the word "good"

Clause 28.

In clause 28, sub-clause (d), substitute the word "obtain" for the words "apply for".

Clause 28, sub-clause (g) renumber this as sub-clause (2) numbering clause 28 as 28 (1) and in sub-clause (2) as re-numbered insert the words "The manager shall" at the beginning.

Clause 30.

In clause 30, clause (iii), line 5 for the word "benefits", substitute the word "benefit".

Clause 58.

In clause 58, lines 6 and 7, omit the words "other than officer of Our Government."

Clause 62.

Omit this clause and renumber the next clause as 62.

Clause 64.

Re-number this as clause 63.

We are of opinion that the Bill has not received such alterations as to make republication necessary.

A copy of the Bill as revised is appended hereto.

The Bill was published in the Gazette of date the 24th October 1933.

(Sd.) T. K. Velu Pillai (Chairman).
,, E. V. Krishna Pillai.
,, R. Sambasiva Aiyar.
,, A. Eswara Pillai.
,, Mahomed Haneef.
,, S. Nilakanta Pillai.
,, Antony George.
,, S. Padmanabha Menon.
,, K. Sankaran.
,, Kayalam Paramesvaran Pillai.

Annexure V.

THE TRAVANCORE COURT OF WARDS BILL.

(*As revised by the Select Committee.*)

(Words in italics indicate the amendments suggested by the Select Committee)

Preamble.

Whereas it is expedient to make certain special provisions for the due preservation of the person and property of incapacitated persons: It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title, extent and commencement.

1. (1) This Regulation may be called the Travancore Court of Wards Regulation..................

(2) It extendes to the whole of Travancore.

(3) It shall come into force *at once.*

Guardians and Wards Regulations to be read subject to this Regulation.

2. The Guardians and Wards Regulation 1077 (*Regulation* II of 1077) shall be read subject to this enactment and to every enactment hereafter passed relating to any Court of Wards.

Age of majority of wards.

3. Notwithstanding anything contained in the Travancore Majority Regulation (Regulation VII of 1099) or in any other enactment, a minor of whose property the superintendence has been or shall be assumed by any Court of Wards, before the minor has attained the age of eighteen years, shall be deemed to have attained his majority when he shall have completed his age of twenty-one years and not before.

Definitions.

4. In this Regulation unless there is something repugnant in the subject or context—

"Court."

"Court" means the Court of Wards.

"Ward."

"Ward" means a person who has been made a ward of the Court under Section 18.

"Division Peishkar."

"Division Peishkar" includes any officer appointed by Our Government to perform the function of a Division Peishkar.

"Proprietor."

"Proprietor" means a person who owns, or who has a life interest in land either solely or as a co-sharer and shall include the Karanavan of a Marumakkathayam Tarwad and the manager of a Hindu undivided family.

CHAPTER II.

THE COURT OF WARDS.

The Court of Wards.

5. A Board consisting of the Land Revenue Commissioner and two other persons, *official or non-official*, nominated by Our Government, from time to time shall constitute the Court of Wards.

Control of Government.

6 The Court of Wards shall be subject to the control of Our Government, and Our Government may, if they think fit, revise, modify or reverse any order passed or proceedings taken under this Regulation, whether a petition is presented against such order or proceeding or not.

Powers of Court how exercised.

7. (1) The Court may exercise all or any of the powers conferred on it by this Regulation through the Division Peishkar in whose Division any part of the property of the ward may be situated or through any other person whom it may appoint for the purpose and may confer any of its powers on any such Division Peishkar or person and withdraw any powers so conferred.

(2) For the purpose of this Regulation the Division *Peishkar or such other person* shall be subject to the control of the Court.

CHAPTER III.

ASSUMPTION OF SUPERINTENDENCE OF PERSONS AND PROPERTY.

Disqualification.

8. The following proprietors shall be deemed to be disqualified for the management of their property :—

(*a*) Minors.

(*b*) Proprietors adjudged by a competent civil court to be of unsound mind and incapable of managing their property.

(*c*) Proprietors declared by Our Government to be incapable of managing their property owing to any physical or mental defect or infirmity rendering them unfit to manage their property.

Immediate protection of disqualified heirs.

9. Whenever a Division Peishkar receives information that a proprietor of land situated in his Division has died, and he has reason to believe that the heir of such proprietor is, or should be declared to be, disqualified under Section 8.—

(*a*) he may take such steps or make such order as he thinks proper for the temporary custody and protection of the property which he has reason to belive to belong to the heir, and

(*b*) if the heir be minor he may direct the person, if any, having custody of the minor, shall produce him or cause him to be produced, at such place and time, and, before such person as he appoints, and may *make* such order for the temporary custody and protection of the minor as he thinks proper;

Provided that female minors who ought not to be compelled to appear in public shall be produced in accordance with the manners and customs of the country.

Recovery of expenditure.

10. All expenses incurred by a Division Peishkar acting under Section 9 shall if the property is afterwards taken under the superintendence of the Court form a charge upon the property concerned, and shall be recoverable from the owner of such property, or the person whom the Division Peishkar shall find to be in possession of such property, as arrears of land revenue.

Report by Division Peishkar.

11. Whenever any Division Peishkar, after making such enquiry as he deems necessary, has reason to believe that any proprietor in his Division is, or should be declared to be, disqualified under Section 8, he shall submit a report to the Court setting forth all the fact and circumstances of the case:

Provided that in the case of proprietors of lands the annual value of which is less than one thousand rupees, the Division Peishkar need not report the case to the Court unless he is of opinion that the Court ought to assume the superintendence of the property:

Provided also that the Court or Our Government may call for a report in any case if deemed fit.

Explanation: The annual value shall be taken to be the full pattom assessment on the land at the last Revenue Settlement and in case there be no such assessment the annual value shall be such as is determined by Our Government or under rules passed by Our Government.

Proprietor to be given opportunity to be heard and to adduce evidence.

12. (1) Before reporting to the Court under Section 11 that a proprietor should be declared to be disqualified under Section 8, the Division Peishkar shall give notice to such proprietor and afford him a reasonable opportunity to be heard and to adduce evidence.

(2) All questions as to whether the provisions of this Section have been complied with shall be decided by Our Government and such decision shall be final.

Report by Court.

13. The Court shall consider the Division Peishkar's report, and shall report the case to Our Government with its recommendation and, pending the receipt of orders, shall have power to take such steps as it may deem necessary for the protection of the person and property of the proprietor in question.

Government may declare proprietor disqualified and direct Court to assume superintendence.

14. Our Government, may, on recept of the Court's recommendation, declare the proprietor to be disqualified within the intent of Clause (c) of Section 8 and Our Government may, in any case falling under Section 8, order the Court to assume the superintendence of the person or property or both of the proprietor.

15. Our Government shall not declare any proprietor to be disqualified within the intend of Clause (*c*) of Section 8 unless they are, satisfied that it is expedient in the public interests that his property should be managed by the Court and a statement to this effect shall be inserted in the declaration made by Our Government under Section 14.

Proprietor not to be declared disqualified under Section 8 (*c*) unless on ground of public interests.

16. (1) Our Government shall not, except under Section 17, order the Court to take the property of any Marumakkathayam Tarwad or any undivided Hindu family under its superintendence unless—

Provision to meet case of undivided families and co-sharers.

(*a*) all the Tarwad members or the co-parceners as the case may be, are or are declared to be disqualified under Section 8, or,

(*b*) the proprietor is or is declared to be disqualified under Section 8 and the majority of the Tarwad members or co-parceners, as the case may be, agree in writing to such superintendence.

(2) When two or more proprietors are co-sharers, otherwise than as co-parceners in an undivided Hindu family or as members of a Marumakkathayam Tarwad, and one of such co-sharer is or is declared to be disqualified under Section 8, Our Government may order the Court to institute a suit for partition on behalf of the disqualified proprietor and to take under its superintendence the property allotted to such proprietor in the partition.

17. A proprietor may make application to Our Government to have his property placed under the superintendence of the Court and Our Government may, on being satisfied that it is expedient in the public interests that such property should be managed by the Court, make a declaration to that effect and order the Court to assume the superintendence of such property.

Application by proprietor himself.

Explanation: In the case of a proprietor who is the Karanavan of a Marumakkathayam Tarwad or is the manager of a Hindu family, the Tarwad property or family property of which he is, or shall become entitled to be in possession shall also be deemed to be his property for all the purposes of this Regulation.

18. (1) Whenever under Section 14 or 17 Our Government order the Court to take under its superintendence the person or property of a proprietor or both, such order of Our Government, together with any declaration made under the aforesaid Sections, shall be notified in Our Government Gazette. The notification shall specify the Division Peishkar who shall discharge the duties imposed upon a Division Peishkar by this Regulation in respect of such person or property or both as the case may be.

Notification of assumption of superintendence

(2) Such proprietor shall be deemed to have become a ward under the Court from the date of the said order of Our Government and the superintendence of his person or property or of both shall take effect from the said date and, as to property, shall extend to all movable and immovable property belonging to him at the date of the order, or to which he shall afterwards become in any way entitled whilst he continues under such superintendence :

Consequences of such notification.

Provided that it shall be in the discretion of the Court to assume or refrain from assuming the superintendence of any property which the ward may acquire otherwise than by inheritance subsequent to the date of the order of Our Government under Section 14 or 17.

CHAPTER IV.

Management and Guardianship.

Division Peishkar, to take charge of ward's property.

19. When the Court has assumed the superintendence of the property of a ward, the Division Peishkar specified in the notification under Sectian 18 or, if so directed by the Court the Division Peishkar of the Division in which any part of the property is situated, shall take possession and custody of such property on behalf of the Court.

Powers of the Division Peishkar in so doing.

20. It shall be lawful for such Division Peishkar :—

(*a*) to order any person in possession of any movable property to the possession of which the ward is entitled or of any accounts or papers relating to the property of such ward to deliver up such movable property accouts or papers ;

(*b*) in case there is reason to believe that any movable property, to the possession of which the ward is entitled or any accounts or paper, relating to the property of the ward are to be found in any room, box or receptacle within any house in the actual possession of the ward, to break open such room, box or receptacle or authorise the same to be broken open for the purpose of searching for such property, accounts or papers ;

(*c*) to order any person who is or has been in the employ of the ward, and any person who was in the employ of the immediately preceding proprietor, to attend before him for examination ; and to defray necessary expenses of any person so attending out of the assets of the estate ;

(*d*) to order all holders of tenures and under-tenures on the ward's property to produce their titles before him.

Allowance for ward and family.

21. The Court may determine what sums shall be allowed for the expenses of the ward and of his family and dependents and of those who are entitled to be maintained out of the property taken possession of on behalf of the Court.

22. The Court may make such orders and arrangements, as to it may seem fit, in respect of the custody, residence, education and marriage—

Custody, residence education and marriage of ward or minor relatives.

(a) of any ward whose person is for the time being under its superintendence,

(b) of any minor child, minor brother, or minor sister of such ward or minor or incapacitated *seshakaran* or co-parcener, as the case may be, of such ward who, in the opinion of the Court, is entitled to maintenance at the charge of the ward's estate,

(c) of the ward's next male heir being a minor and also so entitled to maintenance.

23. (1) The Court may appoint managers for the property, and *guardians* for the person, of any ward, and may control or remove any manager or guardian so appointed:

Appointment, etc., of managers and guardians.

Provided that it shall not appoint a guardian for any person who has become a ward in pursuance of an order under Section 17.

(2) Any appointment made under this Section shall terminate when the Court ceases to exercise superintendence over the person for whom a guardian, or over property for which a manager, has been appointed.

24. If no manager of the property or guardian of the person of a ward is appointed by the Court or the office is temporarily vacant, the Division Peishkar specified in the notification under Section 18, or any other Division Peishkar whom the Court may appoint in this behalf shall be competent, under the control of the Court, to do anything that might be done by such manager or guardian.

Division Peishkars to act if there are none.

25. (1) No person being the next legal heir of a ward or appearing to have a direct or indirect advantage in the death or continued disqualification of such ward shall be appointed guardian of such ward:

Who may and may not be guardians.

Provided that the mother of the ward, or any person appointed guardian by the will of a person authorised to make such appointment, may be appointed guardian by the Court at its discretion.

(2) A female guardian shall be appointed for a female ward and a male guardian for a male ward above seven years of age, unless, in any case, the Court, for special reasons, shall direct otherwise:

Provided that no guardian shall ordinarily be appointed for a female ward if she has an adult husband.

26. (1) A guardian appointed under Section 23 shall be charged with the custody of the ward, and, subject to the control of the Court, shall make suitable provision for his maintenance and health, and, if he be a mior, for his education, and for such other matters as are required by the personal law to which the ward is subject, and shall—

Duties of guardians.

(*a*) give such security (if any) as the Court thinks fit, for the due performance of his duty ;

(*b*) submit such accounts as the Court may direct;

(*c*) pay the balance due from him thereon;

(*d*) contnue liable to account to the Court after he has ceased to be guardian for his *receipts* and disbursements during the period of his guardianship;

(*e*) *obtain* the sanction of the Court to any act which may involve expense, not perviously sanctioned by the Court.

(2) *The guardian shall* be paid such allowance out of the property of the ward as the Court thinks fit.

27. Every manager appointed by Court shall have power, subject to the control of the Court, to collect the rents of land placed under his charge, as well as all other money due to the ward, and to grant receipts therefor, and may, under the orders of the Court, grant or renew such leases as may, in his opinion be necessary for the *proper* management of the property and do all such lawful acts as may be generally or specially authorised by the Court to do for the *proper* management of the property.

Powers of manager.

28. (1) Every manager appointed by the Court shall manage the property placed under his charge diligently and faithfully and shall—

Duties of manager.

(*a*) give such security, if any, as the Court thinks fit, duly to account for what he may receive in respect of the rents and profits of the property under his charge;

(*b*) keep such accounts in such form and submit them at such times as the Court may direct;

(*c*) deal with all moneys received by him in such manner as the Court may direct ;

(*d*) *obtain* the sanction of the Court to any act which may involve the property in expense not previously sanctioned by the Court ;

(*e*) be responible for any loss occasioned to the property by his negligence or wilful default ;

(*f*) continue liable to account to the Court after he has ceased to be manager for his receipt and disbursements during the period of his managership.

(2) *The manager shall* be paid such allowances out of the property of the ward as the Court thinks fit.

29. Every guardian, manager or other servant of the Court, shall be deemed to be a "public servant" within the meaning of Sections 153 to 157 of the Travancore Penal Code (Regulation I of 1074) and in the definition of "legal remuneration" contained in the said Section 153, the word "Government" shall, for the purposes of this Section, be deemed to include the Court.

Employees of Court deemed to be public servants.

30. Unless the Court otherwise directs, all moneys received by or on behalf of the Court on account of the property of any ward, shall be employed in meeting the charges included in Class I hereinafter specified, before it is employed in meeting the charges in Classes II and III hereinafter specified, and in meeting the charges in Class II before it is employed in meeting those in Class III.

Regulation of expenditure.

CLASS I.

Charges necessary for the maintenance, residence, education, marriage and indispensable religious observances of the ward and his family and of those in respect of whom such charges have to be paid out of the property of the ward.

Charges necessary for the management and supervision of the property of the ward.

Charges on account of Government revenue and of all cesses and other public demands due in respect of such property or any part of such property.

CLASS II.

Charges on account of rent, cesses or demands due to any superior landholder in respect of any land held on behalf of the ward.

The liquidation of debts payable by the ward out of the property taken charge of by the Court.

Expenses necessary to protect the interests of the ward in the Civil Courts or otherwise.

The maintenance in efficient condition of the estates, building and other immovable property and the suitable upkeep of the furniture equipage, live-stock and other movable property belonging to the ward.

CLASS III.

The payment of such charges for the religious observances of the ward and his family and of such religious, charitable and other allowances, and of such donations befitting the position of the ward's family as the Court may authorise to be paid.

The prevention and relief of distress among the ward's tenantry.

The improvement of the land and property of the ward and the *benefit* of the ward and his property generally.

31. Any surplus which remains after providing, so far as the Court deems fit, for the objects mentioned in Section 30, shall be applied in the purchase of other landed property or invested at interest on the security of first mortgages of immovable property situate in Travancore, provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third or, if consisting of buildings, exceeds by one-half, the mortgage money, or invested in such public securities as may be specified by Our Government from time to time.

Surplus how to be dealt with.

32. A ward shall not be competent—

Disabilities of wards.

(a) to transfer or create any charge on, or interest in, any part of his property which is under the superintendence of the Court, or to enter into any contract or to make any acknowledgment involving him in pecuniary liability personally or in respect of such property; but nothing in this Clause or in Section 22 shall be deemed to affect the capacity of a ward to enter into a contract of marriage: Provided that he shall not incur in connection therewith any pecuniary liability, except such as, having regard to the personal law to which he is subject and to his rank and circumstances, the Court may, in writing, declare to be reasonable;

(b) to grant valid receipts for the rents and profits arising or accruing from such property or for debts or other moneys due to the estate;

(c) to adopt or to give a written or verbal permission to adopt, without the consent of the Court

(d) to dispose of his property by will without the consent of the Court:

Provided, firstly, that the Court shall not withhold its consent under Clause (c) or (d) if the adoption or testamentary disposition is not contrary to the personal or special law applicable to the ward, and does not appear likely to cause pecuniary embarrassment to the property, or to lower the influence or respectability of the family in public estimation:

Provided, secondly, that the Court may confirm a will or an adoption made, or a permission to adopt given, without its previous consent; and

Provided, thirdly, that the provisions of Clauses (c) and (d) shall not apply to any proprietor in regard to whose property a declaration has been made under Section 17.

33. The Court may mortgage or sell the whole or any part of any property under its superintendence and may give leases or farms of the whole or any part of such property for such terms as it thinks fit, and may make remissions of rent or other dues, and may generally pass such orders and do such acts not inconsistent with

Powers of Court as to property under its superintendence.

the provisions of this or any other Regulation for the time being in force as it may judge to be for the advantage of the ward or for the benefit of the property.

Establishments and distribution of charges.

34. The Court may order such establishments to be employed and charges to be incurred as it shall consider requisite for the care and management of the persons and properties under its superintendence, and generally for all the purposes of this Regulation, and may order that such charges shall be borne by and distributed amongst the said properties in such proportions as it deems fit.

CHAPTER V.

ASCERTAINMENT AND SETTLEMENT OF DEBTS.

Notice calling upon claimants to notify claim.

35. (1) On the publication of a notification under Section 18, the Division Peishkar therein specified may, at any time with the previous sanction of Our Government, publish in Our Government Gazette a notice in English and Malayalam, and in such other languages as he may consider expedient, calling upon all persons having pecuniary claims, whether immediately enforceable or not, against the ward or property to notify the same in writing to the Division Peishkar within six months from the date of such notification.

(2) The notice shall also be published at such and in such other manner as the Court may, by general or special order, direct and shall be sent by registered post or anchal to every person who is known to the Division Peishkar as having a pecuniary claim against the ward or property and of whose address the Division Peishkar is credibly informed.

(3) Our Government may, at any stage of the proceeding under Sections 35, 36 and 38, invest any person either by name or in virtue of his office with the powers of a Division Peishkar for any or all of the purposes of these Sections.

Explanations:—A claim shall be deemed to be pecuniary for the purpose of this Section and Sections 36 and 39 notwithstanding that a suit for the enforcement or a reference of such claim to arbitration is pending or that a decree or award has been passed establishing the same.

Claimants to furnish full particulars and documents.

36. (1) Every such claimant shall, within the period prescribed by Section 35, notify to the Division Peishkar in writing his claim with full particulars thereof:

Provided that any claim presented after the expiration of such period within a further period of six months may be admitted if the claimant satisfies the Division Peishkar that he had sufficient cause for not notifying the claim at an earlier date.

(2) Every document (including entries in books of account) in the possession of or under the control of the claimant on which he

founds his claim, shall be produced before the Division Peishkar with the statement of claim or within such time after the preferring of the claim as may be allowed by the Division Peishkar in that behalf :

Provided that if the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Division Peishkar a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder or a true copy of the award and a statement of the sum recoverable thereunder as the case may be and if the claim is pending adjudication in any court, or has been referred to arbitration it shall be sufficient for the claimant to produce a certified copy of the plaint or a true copy of the reference to arbitration as the case may be.

(3) It shall be lawful for the Division Peishkar to require the production by any claimant of such of the documents in his possession or power relating to his claim other than the documents, if any, produced under sub-section (2) as the Division Peishkar may consider necessary.

(4) Unless the Division Peishkar shall otherwise direct, every document produced under this Section, shall be accompanied by a true copy thereof. The Division Peishkar shall mark the original document for the purpose of identification and, after examining and comparing the copy with it, shall return the copy and return the original to the claimant.

Pecuniary claim of Government, etc., not affected.

37. Nothing contained in Sections 35 and 36 shall apply to any pecuniary claim of Our Government or any local authority or to claim for maintenance or for wages or salaries due to servants.

Claims admitted and disallowed.

38. The Division Peishkar shall, after making such enquiry as he may deem fit, decide which claims notified or admitted under Section 36 or to be allowed in whole or in part, and which are to be disallowed, and on his decision being confirmed by the Court, shall give written notice of the same to the claimants :

Provided that nothing herein contained shall be construed as precluding any claimant from continuing or instituting proceedings in any Civil Court in respect of any claim whether such claim be allowed or disallowed by the Court in whole or in part.

Claims not notified cease to carry interest etc.

39. Every pecuniary claim against the ward or his property which has not been duly notified to, or admitted by, the Division Peishkar under Section 36 shall, notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the expiration of the period prescribed by Section 35, and shall not be paid until after the discharge or satisfaction of the claims notified or admitted under Section 36.

40. No document in the possession or under the control of the claimant which should have been, but has not been, produced in accordance with the requirements of Section 36, shall be admissible in evidence against the ward or his representative in any suit brought by or against the claimant or any person claiming under him, unless it be proved to the satisfaction of the Civil Court that it was not within his power to produce such documents before the Division Peishkar.

Inadmissibility in evidence of documents not produced

41. (1) When any property of a ward is in the possession of a mortgagee or any person claiming under a mortgagee Our Government may, on being satisfied that it is expedient in the public interests that the estate should be preserved and that such incumbrancer should deliver up possession of the mortgaged property, make a declaration to that effect, and direct the Court to take possession thereof; the Court shall thereupon by an order in writing require such incumbrancer to deliver up possession of the same to the manager at the end of the then current revenue year.

When mortgagee in possession may be dispossessed.

(2) If such incumbrancer refuses or neglects to obey such order, the Division Peishkar may, without resorting to a Civil Court, enter upon the property and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf.

(3) If in the instrument of mortgage under which the incumbrancer is in possession of the property no rate of interest is specified, the Division Peishkar shall, in cases where the mortgage debt has been notified to or admitted by him, offer to the incumbrancer the rate of interest which appears to him to be reasonable; and pass an order fixing the rate accordingly. Copy of the order shall be served upon the incumbrancer in the manner prescribed by the Code of Civil Procedure for service of summons upon a defendant. If the incumbrancer be dissatisfied with the rate of interest so fixed, he may within three months from the date of service upon him of such order, institute a suit against the ward in the District Court within whose jurisdiction the property mortgaged or any portion thereof is situate, and the said Court shall, if the mortgaged debt has been notified or admitted as aforesaid, pass a declaratory decree fixing such rate of interest as to it may seem reasonable. If no such suit be instituted within the said period, the incumbrancer shall be deemed to have agreed to the rate fixed by the Division Peishkar.

(4) If an incumbrancer is dispossessed under this Section, the money due to him under the instrument of mortgage at the date of such dispossession together with subsequent interest on the unliquidated principal of the mortgage debt at the rate stipulated in the said instrument, and in the absence of such stipulation at the rate determined as herein before provided, shall, subject to the provisions of Section 39 and subject to the charges specified in Classes I and II in Section 30.

excepting the liquidation of debts payable by the ward, and the provisions with reference to the upkeep of the furniture, equipage, live-stock and other movable property belonging to the ward, be recoverable, together with any money which he may be legally entitled to add to the principal money on the security of the property mortgaged and of the rents and profits arising or accruing therefrom subsequent to the date of such dispossession, in the same manners as if he were a simple mortgagee under the said instrument of such property and of such rents and profits.

(5) The Division Peishkar shall, as soon as conveniently may be after the expiration of the revenue year commencing with the date of such dispossession and of every successive revenue year, declare, subject to the approval of the Court, the gross annual rents and profits realised from such property, the several heads of expenditure and the balance, and such declaration shall be conclusive evidence of the statements therein contained. A copy of such declaration shall be furnished to the dispossessed incumbrancer free of charge.

Provisions regarding leases for insufficient consideration.

42. (1) When the property of a ward is in the possession of any person claiming to hold under a lease granted by the ward and dated within the three years immediately preceding the commencement of the superintendence or of any person claiming under such lease, the Division Peishkar may inquire into the sufficiency of the consideration for which the lease was granted; and if such consideration appears to him inadequate, he may, with the previous sanction of the Court give notice in writing that the lease shall determine at the end of the then current revenue year unless the lessee or any one claiming under him pays or agrees to pay such additional consideration as may be mentioned in such notice within a date therein fixed. If within such date such person does not pay or enter into an agreement to pay the additional consideration demanded or such other consideration as the Division Peishkar be willing to accept, the lease shall determine at the end of the then current revenue year:

Provided that such person may, if dissatisfied with the said notice of the Division Peishkar, institute a suit against the ward within three months from the date of service of such notice in a District Court within whose jurisdiction the property comprised in the lease or any portion thereof is situate for determining whether the consideration for the lease was adequate and if not whether the additional consideration demanded by the Division Peishkar or what other amount is reasonable.

(2) If the said District Court be satisfied that the lease was granted for adequate consideration and it is not shown to be otherwise invalid, it shall pass a decree establishing the validity of the lease.

(3) If the District Court holds the consideration for the lease to be inadequate, it shall determine the amount of additional consideration to be paid by the lessee.

(4) If no such suit be instituted or if on the institution of such suit the lessee does not within one month from the date of the decree therein pay or enter into an agreement to pay the additional consideration, determined by the District Court, the Division Peishkar may without resorting to a Civil Court enter upon the property and summarily evict there-from such person and any other person obstructing or resisting on his behalf.

CHAPTER VI.

SUITS.

Exercise of discretion not to be questioned in Civil Court

43. No declaration made by Our Government under Section 14 or Section 17 and no act done in the exercise of any discretionary power conferred by this Regulation shall be questioned in any Civil Court.

Suit not to be instituted until after notice to Division Peishkar.

44. (1) No suit relating to the person or property of any ward shall be instituted in any Civil Court until the expiration of two months after notice in writing has been delivered to or left at the office of the Division Peishkar specified in the notification under Section 18.

(2) Such notice shall state the name and place of abode of the intending plaintiff, the cause of action and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left :

Provided that notice under this Section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of the notification under Section 18.

Suit or proceeding by or against ward.

45. In all suits or proceedings in any Civil or Revenue Court the ward shall sue and be sued in his own name and the manager of this property appointed under Section 23 or, if there is no manager, the officer competent to act as manager under Section 24 shall represent him, as next friend or guardian *ad litem* as the case may be.

Costs against Division Peishkar or Manager how paid.

46. If in any such suit or proceedings any Civil or Revenue Court shall decree any costs against the manager (or other officer competent to act as manager under Section 24) the Court of Wards shall cause such costs to be paid out of any property of the ward which, for the time being, may be in its hands.

Suits must be authorised by Courts.

47. No suit shall be brought on behalf of any ward by the manager (or other officer competent to act as manager under Section 24) unless authorised by some particular or general order of the Court :

Provided that a manager (or other officer as aforesaid) may file a plaint in order to prevent a suit from being barred by the law of limitation, but such suit shall not be further proceeded with until the consent of the Court has been obtained.

48. (1) When any question arises as between two or more wards of such a nature that adjudication upon it by a Civil Court is expedient, it shall be lawful for the Court of Wards, acting through the Division Peishkar of the Division in which a case might have been stated for the opinion of the Civil Court with regard to such matter under the provisions of the Code of Civil Procedure, to file in the Civil Court having jurisdiction, a statement containing the point or points for determination.

Adjudication of civil disputes between two or more wards.

(2) When such statement has been filed, the Civil Court shall appoint a guardian *ad litem* for each ward having a separate interest and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards.

(3) The Civil Court may, if it thinks fit, amend the case so stated and shall then proceed to hear and dispose of the case in the manner provided in the Code of Civil Procedure for the hearing and disposal of cases stated for opinion under that Code.

CHAPTER VII.

Release of Persons and Property from Superintendence.

49. The Court may, (with the previous sanction of Our Government in all cases where superintendence has been assumed in pursuance of orders under Section 14), at any time release from its superintendence the person or property of a ward or both and shall, save as provided in Section 52, release from superintendence

Release from Superintendence.

(*a*) the person and property of a ward disqualified under clause (a) of Section 8 as soon as he ceases to be a minor:

(*b*) the person and property of a ward disqualified under clause (b) of Section 8 as soon as it is found by a competent Civil Court that the disability has ceased

(*c*) the person and property of a proprietor declared to be disqualified under clause (*c*) of Section 8 as soon as Our Government revokes its declaration that such proprietor is disqualified.

50. (1) The Court may, with the previous sanction of Our Government, at any time within two years from the date of the notification published under Section 18, release from its superintendence on a day to be notified the property of a person who has been made a ward of the Court in pursuance of an order under Section 17 without liquidating any of his debts and liabilities or after liquidating some of the debts and liabilities, when the Court is satisfied that it is impracticable to liquidate within a reasonable time all the debts and liabilities or such of them as have not been liquidated and in either case the legal incapacity of such ward shall cease on the date so notified.

Release of estates taken under management under Section 17 when debts cannot be liquidated within reasonable time.

(2) Whenever an encumbrancer is dispossessed under Section 41 and his debt remains unliquidated at the time the Court releases from its superintendence the property of such ward under sub-section (1) the Division Peishkar shall replace the incumbrancer in possession.

(3) Whenever the property of a person is released under sub-section (1) from the superintendence of the Court, the provisions of Sections 39 and 40 shall not apply to any of the debts and liabilities of the ward remaining unliquidated at the time when his property is so released.

(4) In computing the period of limitation applicable to a suit brought or application made against such person or his legal representative after the Court has released his property under sub-section (1) the time during which the superintendence of the Court continued shall be excluded.

When estate taken under management under Section 17 may be made over to proprietor.

51. The Court may, with the previous sanction of the Our Government, replace any proprietor made a ward of the Court in pursuance of an order under Section 17, in the management of his estate on a day to be notified if the debts and liabilities binding on his estates have been discharged, and the Court is satisfied that he will thereafter be competent to take charge of his estate and administer his own affairs and his legal incapacity shall cease on such date.

Option to retain superintendence in certain cases.

52. When a ward dies or ceases to be disqualified before the debts and liabilities binding on his estate have been discharged, the Court may, with the previous sanction of Our Government, retain the property under the superintendence until the debts and liabilities are discharged or for any shorter period, and when for the purpose of discharging such debts and liabilities the Court has raised money on condition that it should retain the superintendence of the property until the money so raised be repaid, the Court shall not without the consent of the lender or his representatives withdraw from superintendence until the money so raised has been repaid :

Provided that, after the death of the ward, the Court shall not retain charge on account of any debt or liability which has been declared by a Civil Court not to be binding on the representatives of the deceased ward.

Disabilities of proprietors in such cases

53. If the Court retains the superintendence under the provisions of the last preceding Section, the person who has succeeded to the property, or the person who has ceased to be disqualified shall in so far as the property in question is concerned be deemed to be a ward of the Court for the purposes of clauses (a) and (b) of Section 32

Appointment of guardian before release.

54. (1) When the Court decides to release from its superintendence the person and property of a minor, it may, before such release, by an order in writing, appoint any person to be the guardian of the person or property or both of such minor.

(2) Such appointment shall take effect from the date of such release.

(3) In appointing a guardian under this Section the Court shall be guided by the provisions of Section 15 of the Guardians and Wards Regulation 1077 (Reglation II of 1077).

(4) Every such guardian shall have and be subject to the same righfs, duties and liabilities as if he had been appointed under the Guardians and Wards Regulation 1077 (Regulation II of 1077.)

Recovery of expenses after release.

55. Any expense incurred by the Court on account of any property under its charge, and not defrayed from such property, during the Court's superintendence may after the release of such property be recovered as if it were an arrear of land revenue from any person into whose possession such property or any part thereof may have passed :

Provided that the sum so recovered from any such person shall not be greater than the value of any such property, which so passed into the possession of such person.

Procedure when succession to ward's property is disputed.

56. Whenever, on the death of any ward, the succession to his property or any part thereof is disputed, the Court may either direct that such property or part thereof be made over to any person claiming the property, or may retain the superintendence of the property, until a claimant has established his title to the same in a competent Civil Court, or institute a suit of interpleader against all claimants.

Notificatton of release from superintendence.

57. Whenever the Court releases any person or property from its superintendence the fact of such release shall be notified in Our Government Gazette.

CHAPTER VIII.

MISCELLANEOUS.

Powers of Court in regard to religious endowments of which ward is herditary trustee or manager.

58. If a ward is the hereditary trustee or manager of a temple, mosque or other religious establishment or endowment, the Court may make such arrangements as it thinks fit for the discharge, during the wardship of the ward's duties as trustee or manager, provided that for the direct and personal management of the religious affairs of any such institution, establishment or endowment, the Court shall appoint suitable persons and the Court shall as far as possible restrict its superintendence to preservation of the property belonging to the institution, establishment or endowment.

Powers of persons holding inquiries.

59. In holding any inquiry under this Regulation the Division Peishkar or other persons authorised to hold such inquiry shall have all the powers conferred on Revenue Officers by Regulation V of 1063 (Revenue Summons Regulation) and the provisions of that Regulation shall apply *mutatis mutandis*.

60. No immovable property under the superintendence of the Court shall be liable to sale on account of arrears of land revenue accruing while such estate is under the superintendence of the Court ;

Property under charge of Court not liable to sale for arrears.

Provided that all such arrears of revenue shall be the first charge upon the sale-proceeds of any such property which may be sold for any other causes than for arrears of revenue.

61. The Court, may, with the previous sanction of Our Government, make rules consistent with this Regulation.

Power to make rules.

(*a*) regulating the management of property under the superintendence of the Court : and

(*b*) generally for the guidance of all persons in all proceedings under this Regulation and for carrying out the provisions of this Regulatiou.

62. Every manager or other servant of the Court entrusted wlth the receipt, custody or control of moneys or securities for money on behalf of the Court or with the management of any property under its superintendence shall be deemed to be a public accountant within the meaning of Regulation III of 1080 (Public Accountants Regulation) and shall be liable to be dealt with under that Regulation.

Servants of a Court to be deemed public accountants.

CHAPTER IX.

PENALTIES.

63. Whoever, without the previous consent of the Court, abets the marriage of any of the persons specified in clauses (*a*) (*b*) and (*c*) of Section 22 shall be liable, on conviction before a Court not below that of a Magistrate of the First Class, to a fine not exceeding Rs. 2,000 or to imprisonment for a term not exceeding six months or to both.

Abetting unsanctioned marriage of wards, etc.

Annexure VI.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE LUNACY BILL.

To

THE PRESIDENT,

Sri Mulam Assembly.

SIR,

We, the undersigned members of the Select Committee to which the Travancore Lunacy Bill was referred, have considered the Bill and have now the honour to submit this, our

REPORT.

Clause 2, sub-clause (8). Line 2 for the word "University" substitute the word "*Universities.*"

Clause 4, sub-clause (2). For sub-clause (2) substitute the following;

"If either of the medical certificates is signed by any relative of the lunatic or of the petitioner, the petition shall state the fact and the exact manner in which the person signing the certificate is related to the lunatic or petitioner."

We are excluding partners and assistants from the class of persons qualified to make certificates. (See our recommendations under Clause 16.) Hence this change is made.

Clause 6. sub-clause (1). Lines 2 and 3, for the word "certification," substitute the word "*certificates.*"

Clause 11, sub-clause (3). Line 3, omit the words "*any all* occurring before "such."

Clause 12, sub-clause (1). Line 1, for the words "a sub-Inspector" substitute the words "*an Inspector.*"

Clause 16, sub-clause (1). For this sub-clause, substitute the following:

"Every medical certificate under this Regulation shall be made and signed by a medical practitioner or medical officer, as the case may be, not being a disqualified person, shall be in the form prescribed, and shall contain a declaration that the person who so makes and signs the certificate is not a disqualified person.

Explanation 1. "Disqualified person" means any of the following, namely, the applicant for a reception order, or the husband, wife, father, father-in-law, mother, maternal uncle, aunt (mother's sister,) mother-in-law, son, son-in-law, daughter, daughter-in-law, brother, brother-in-law, nephew (sister's son), niece (sister's daughter), partner or assistant of such applicant or of the person in respect of whom the certificate is made, or any medical man in charge of or attached to an asylum.

Explanation 2. "Nothing in this sub-section shall be deemed to prohibit a Magistrate from examining any disqualified person as a witness."

As a Magistrate is likely, ordinarily, to place much reliance on the medical certificates, we are of opinion that a special provision should be made that the certificates shall not be made by anybody likely to benefit by the confinement or detention of any person as a lunatic. We accordingly propose the above provision which is in line with the provision in the corresponding English Act.

Clause 18. Line 2, for the word "reason," substitute the word "*person.*"

Clause 20. Line 1, for the word "Sections," substitute the word "*Section.*"

Clause 26. Line 5 for the word "visitation," substitute the word "*Inspection.*"

Clause 28. sub-clause (1). Line 1, after the word "may,' insert the words "*on consultation with the person in charge of the asylum*".

We are of opinion that the medical officer in charge of the asylum should be allowed to express his opinion even though it may not prevail in the end. We are therefore proposing the above amendment.

Clause 29, Proviso. Line 1, for the word "officer," substitute the word "*person.*"

Clause 31. Line 2, omit the word "*an*" occurring before the word 'inquisition"

Clause 34. Line 2, for the word "in" occurring before the word "residing", substitute the word "*is*".

Clause 59. Add the following as an Explanation :—

"*Explanation —Nothing in the foregoing provision shall be deemed to authorise such application or such sale and application as the case may be if the Magistrate has reason to believe that the money or the movable property as the case may be does not belong to the lunatic.*"

The above provision is intended to safeguard the rights of the real owner of tho property that may happen to be in the possession of the wandering lunatic.

A copy of the Bill as amended by us is appended hereto. The Bill has not received such change as will require re-publication.

The Bill was published in the Gazette dated the 2nd June 1932.

(Sd.) T. K. Velu Pillai, (*Chairman.*)
,, E. V. Krishna Pillai.
,, T. Krishna Pillai.
,, K. M. Krishnan.
,, K. Madhavan.
,, R. Raman Pillai.
,, M. K. Janardana Kamath.
,, K. Mahomed.
,, N. Abdur Rahiman Sahib.
,, K. Paramesvaran Pillai.
,, James Simpson.

Annexure VII.

THE TRAVANCORE LUNACY BILL.

(AS REVISED BY THE SELECT COMMITTEE.)

(The words in italics indicate the amendments suggested by the Committee.)

Whereas it is expedient to consolidate and amend the law relating to lunacy; It is hereby enacted as follows .—

PART I.

PRELIMINARY.

CHAPTER I.

Short title, extent and commencement. 1. (1) This Regulation may be called the Travancore Lunacy Regulation, 110.

(2) It extends to the whole of Travancore . and

(3) It shall come into force on—

Definitions. 2. In this Regulation, unless there is anything repugnant in the subject or context.—

(1) "asylum" means an asylum or mental hospital for lunatics established, or declared to be such, by Our Government;

(2) "cost of maintenance" in an asylum includes the cost of lodging, maintenance, clothing, medicine and care of a lunatic and any expenditure incurred in removing such lunatic to and from an asylum together with any other charges prescribed by Our Government;

(3) "District Court" means the principal civil court of original jurisdiction;

(4) "Criminal lunatic" means any person for whose confinement in, or removal to, an asylum, jail or other place of safe custody an order has been made in accordance with the provisions of Section 347 or Section 352 of the Code of Criminal Procedure,or of any rule relating to lunatics passed by Our Government under the Prison Regulation of 1071;

(5) "Lunatic" means an idiot or person of unsound mind;

(6) "Magistrate" means a District Magistrate or a Magistrate of the first class specially empowered by Our Government to perform the functions of a Magistrate under this Regulation.

(7) "Medical officer" means a Gazetted medical officer of Our Government, and includes a medical partitioner dêclared by general or special order of Our Government to be a medicial officer for the purposes of this Regulation;

(8) "Medical practitioner" means a holder of the degree of Doctor, Bachelor or Licentiate of Medicine and Surgery of any of the British or India *Universities* or any person declared by general or special order of Our Government to be a medical practitioner for the purposes of this Regulation .

(9) "prescribed" means prescribed by this Regulation or by rules made thereunder;

(10) "reception order" means an order made under the provisions of this Regulation for the reception into an asylum *of a lunatic other than a lunatic so found by inquisition*;

(11) "relative" includes any person related by blood, marriage or adoption; and

(12) "rule" means a rule made under this Regulation.

PART II.

RECEPTION, CARE AND TREATMENT OF LUNATICS.

CHAPTER II.

Reception of Lunatics.

Reception of persons in asylum.

3. (1) No person other than a criminal lunatic or a lunatic so found by inquisition shall be received or detained in an asylum without a reception order save as provided by Section 7, 15 and 70:

Provided that the person in charge of an asylum may, with the consent of two of the visitors of such asylum, which consent shall not be given except upon a written application from the intending boarder, receive and lodge as boarder in such asylum any person who is desirous of submitting himself to treatment.

(2) A boarder received in an asylum under the proviso to sub-section (1) shall not be detained in the asylum for more than twenty four hours after he has given to the person in charge of the asylum notice in writing of his desire to leave such asylum.

Reception orders on petition.

Application for reception order.

4. (1) An application for a reception order shall be made by petition accompanied by a statement of prescribed particulars to the Magistrate within the local limits of whose jurisdiction the alleged lunatic ordinarily resides, shall be in the form prescribed and shall be supported by two medical certificates on separate sheets of paper, one of which certificates shall be from a medical officer.

(2) *If either of the medical certificates is signed by any relative of the lunatic or of the petitioner, the petition shall state the fact and the exact manner in which the person signing the certificate is related to the lunatic or petitioner.*

(3) The petition shall also state whether any previous application has been presented for an inquiry into the mental capacity of the alleged lunatic in any court, and if such application has been made, a certified copy of the order made thereon shall be attached to the petition.

Application by whom to be presented.

5. (1) Subject to the provisions of sub-section (3), the petition shall be presented by the husband or wife of the alleged lunatic, or, if there is no husband or wife or the husband or wife is prevented by reason of insanity, absence from Travancore or otherwise from making the presentation, by the nearest relative of the alleged lunatic who is not so prevented.

(2) If the petition is not presented by the husband or wife or, where there is no husband or wife, by the nearest relative of the alleged

lunatic, the petition shall contain a statement of the reasons why it is not so presented and of the connection of the petitioner with the alleged lunatic, and the circumstances under which he presents the petition.

(3) No person shall present a petition unless he has attained the age of majority and has within fourteen days before the presentation of the petition, personally seen the said lunatic.

(4) The petition shall be signed and verified by the petitioner, and the statement of prescribed particulars by the person making such statement.

Procedure upon petition for reception order.

6. (1) Upon the presentation of the petition, the Magistrate shall consider the allegations in the petition and the evidence of lunacy appearing by the medical *certificates.*

(2) If he considers that there are grounds for proceeding further, he shall personally examine the alleged lunatic unless for reasons to be recorded in writing he thinks it unnecessary or inexpedient so to do.

(3) If he is satisfied that a reception order may properly be made forthwith, he may make the same accordingly.

(4) If he is not so satisfied, he shall fix a date (notice whereof shall be given to the petitioner and to any other person to whom in the opinion of the Magistrate notice should be given) for the consideration of the petition and he may make such further or other inquiries of or concerning the alleged lunatic as he thinks fit.

Detention of alleged lunatic pending inquiry.

7. Upon the presentation of the petition, the Magistrate may make such order as he thinks fit for the suitable custody of the alleged lunatic pending conclusion of the inquiry.

Consideration of petition.

8. The petition shall be considered in private in the presence of the petitioner, the alleged lunatic (unless the Magistrate in his descretion otherwise directs), any person appointed by the alleged lunatic to represent him and such other persons as the Magistrate thinks fit.

Order.

9. (1) At the time appointed for the consideration of the petition, the Magistrate may either make a reception order or dismiss the petition, or may adjourn the same for further evidence or inquiry, and may make such order as to the payment of the costs of the inquiry by the person upon whose application it was made, or out of the estate of the alleged lunatic if found, to be of unsound mind or otherwise as he thinks fit.

(2) If the petition is dismissed, the Magistrate shall record in writing his reasons for dismissing the same, and shall deliver or cause to be delivered to the petitioner a copy of such order.

Further provisions as to reception orders on petition.

10. No reception order shall be made under Section 6 or Section 9, save in the case of a lunatic who is dangerous and unfit to be at large, unless—

(*a*) the Magistrate is satisfied that the person in charge of an asylum is willing to receive the lunatic, and

(*b*) the petitioner or some other person engages in writing to the satisfaction of the Magistrate to pay the cost of maintenance of the lunatic

Power to appoint substitute for the person upon whose application a reception order has been made.

11. (1) The Magistrate may, subject to the provisions of this Section, by order in writing (here-in-after referred to as an order of substitution), transfer the duties and responsibilities under this Regulation of the person on whose petition reception order has been made to any other person who is willing to undertake the same, and such other person shall thereupon be deemed for the purpose of this Regulation to be the person on whose petition the reception order was made, and all reference in this Regulation to such last mentioned person shall be construed accordingly;

Provided that no such order of substitution shall release the person upon whose petition the reception order was made or if he is dead, his legal representative from any liability incurred before the order of substitution was made.

(2) Before making any order of substitution, the Magistrate shall send a notice to the person upon whose petition the reception order was made if he is alive, and to any relative of the lunatic to whom in the opinion of the Magistrate, notice should be given : the notice shall specify the name of the person in whose favour it is proposed to make such order and the date, which shall be not less than twenty days from the sending of the notice, upon which any objection to the making of the order will be considered.

(3) On such date or any subsequent date to which the proceedings may be adjourned, the Magistrate shall consider any objection made by any person to whom notice has been sent or by any other relative of the lunatic and shall receive such evidence as may be produced by or on behalf of any of such persons and such further evidence, if any, as the Magistrate thinks necessary and may thereafter make or refrain from making an order of substitution :

Provided that, if the person on whose petition the reception order was made is dead and any other person is willing and in the opinion of the Magistrate fitted to undertake the duties and responsibilities under this Regulation of such first mentioned person, the Magistrate shall make such an order.

(4) If in proceedings under this Section any question arises as to the person to whom the duties and responsibilities under this Regulation of a person upon whose petition a reception order has been made shall be entrusted, the Magistrate shall give preference to the person who is the nearest relative of the lunatic, unless for reasons to be recorded in writing, the Magistrate considers that such preference would not be on the interests of the lunatic.

(5) The Magistrate may make such order for the payment of the costs of an enquiry under this Section by any person who is a party thereto or out of the estate of the lunatic, as he thinks fit.

(6) Any notice under sub-section (2) may be sent by Anchal or Post registered to the last known address of the person for whom it is intended.

Reception orders otherwise than on petition.

Powers and duties of Police in respect of wandering or dangerous lunatics and lunatics cruelly treated or not under proper care and control.

12. (1) Every officer in charge of a Police station not below the rank of *an Inspect or* may arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be lunatics, and every officer in charge of a Police station shall arrest or cause to be arrested all persons found wandering at large within the limits of his station whom he has reason to believe to be dangerous by reason of lunacy. Any person so arrested shall be taken forthwith before the Magistrate.

(2) Every officer in charge of a Police station who has reason to believe that any person within the limits of his station is deemed to be a lunatic and is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, shall immediately report the fact to the Magistrate.

Reception order in case of wandering and dangerous lunatic.

13. Whenever any person is brought before a Magistrate under the provisions of subsection (1) of Section 12 the Magistrate shall examine such person and if he thinks that there are grounds for proceeding further shall cause him to be examined by a medical officer and may make such other enquiries as he thinks fit; and if the Mahistrate is satisfied that such person is a lunatic and a proper person to be detained, he may, if the medical offier who has examined such person gives a medical certificate with regard to such person, make a reception order for the detention of such lunatic in an asylum:

Provided that if any friend or relative of the lunatic enters into a bond with or without sureties for such sum of money as the Magistrate thinks fit, conditioned that such lunatic shall be properly taken care of, and shall be prevented from doing injury to himself or to others, the Magistrate instead of making a reception order may if he thinks fit, make him over to the care of such friend or relative.

Order in case of lunatic cruelly treated, or not under proper care and control.

14. (1) If it appears to the Magistrate, on the report of a Police officer or the information of any other person that any person within the limits of his jurisdiction deemed to be a lunatic is not under proper care and control, or is cruelly treated or neglected by any relative or other person having the charge of him, the Magistrate may cause the alleged lunatic to be produced before him and summon such relative or other person as has or ought to have the charge of him.

(2) If such relative or other person is legally bound to maintain the alleged lunatic, the Magistrate may make an order for such alleged lunatic being properly cared for and treated, and, if such relative or other person wilfully neglects to comply with the said order, the Magistrate may sentence him to imprisonment for a term which may extend to one month.

(3) If there is no person legally bound to maintain the alleged lunatic, or if the Magistrate thinks fit so to do, he may proceed as prescribed in Section 13, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic and proper person to be detained under care and treatment may if a medical officer gives a medical certificate with regard to such lunatic, make a reception order for the detention of such lunatic in an asylum.

Detention of alleged lunatic pending report by medical officer.

15 (1) When any person alleged to be a lunatic is brought before a Magistrate under the provisions of Section 12 or Section 14, the Magistrate may, by an order in writing, authorise the detention of the alleged lunatic in suitable custody for such time not exceeding ten days as may be, in his opinion, necessary to enable the medical officer to determine whether such alleged lunatic is a person in respect of whom a medical certificate may be properly given.

(2) The Magistrate may, from time to time, for the same purpose by order in writing, authorise such further detention of the alleged lunatic for periods not exceeding ten days at a time as he thinks necessary:

Provided that no person shall be detained in accordance with the provisions of this Section for a total period exceeding thirty days from the date on which he was first brought before the Magistrate.

Further provisions as to reception orders and medical certificate.

Medical certificate.

16. (1) *Every medical certificate under this Regulation shall be made and signed by a medical practitioner or medical officer, as the case may be not being a disqualified person, shall be in the form prescribed, and shall contain a declaration that the person who so makes and signs the certificate is not a disqualified person.*

Explanation 1.—"Disqualified person" means any of the following namely the applicant for a reception order, of the husband, wife, father, father-in-law, mother, maternal uncle, aunt (mothers' sister), mother-in-law, son, son-in-law, dauhgter, daughter-in-law, brother, brother-in-law, nephew (sister's son), niece (sister's daught r), partner or assistant of such applicant or of the person in respect of whom the certificate is made, or any medical man in charge of or attached to an asylum.

Explanation 2.—Nothing in this sub-section shall be deemed to prohibit a magistrate from examining any disqualified person as a witness.

(2) Every medical certificate shall state the facts upon which the person certifying has formed his opinion that the alleged lunatic is a lunatic, distinguishing facts observed by himself from facts communicated by others; and no reception order on petition shall be made upon a certificate founded only upon facts communicated by others.

(3) Every medical certificate made under this Regulation shall be evidence of the facts therein appearing and of the judgment therein stated to have been formed by the person certifying on such facts, as if the matters therein appearing had been verified on oath.

Time and manner of medical examination of lunatics.

17. (1) A reception order required to be founded on a medical certificate shall not be made unless the person who signs the medical certificate or where two certificates are required, each person who signs a certificate has personally examined the alleged lunatic, in the case of an order upon petition, not more then seven clear days before the date of the presentation of the petition and, in all other cases, not more than seven clear days before the date of the order.

(2) Where two medical certificates are required, a reception order shall not be made unless each person signing a certificate has examined the alleged lunatic separately from the other.

Authority for reception.

18. A reception order, if the same appears to be in conformity with this Regulation shall be sufficient authority for the petitioner or any *person* authorised by him, or in the case of an order not made upon petition for the person authorised so to do by the person making the order, to take the lunatic and convey him to the place mentioned in such order and for his reception and detention therein or in any asylum to which he may be removed in accordance with the provisions of this Regulation or of rules made thereunder, and the order may be acted on without further evidence of the signature or of the jurisdiction of the person making the order:

Provided that no reception order shall continue to have effect:—

(*a*) after the expiry of thirty days from the date on which it was made unless the lunatic has been admitted into the asylum mentioned therein within that period, or

(*b*) after the discharge, under the provisions of this Regulation, of the lunatic from such asylum or from any other asylum to which he may have been removed.

Copy of reception order to be sent to person in charge of asylum.

19. Any Magistrate making a reception order under this Part shall forthwith send a certified copy of the order to the person in charge of the asylum in which such lunatic is to be detained.

Detention of lunatics pending removal to an asylum.

Detention of lunatics pending removal to asylum.

20. When any reception order has been made under *Section* 6, 9, 13 or 14, the Magistrate may, for reasons to be recorded in writing, direct that the lunatic, pending his removal to an asylum, be detained in suitable custody in such place, as the Magistrate thinks fit.

Reception and detention of criminal lunatics.

Reception and detention of criminal lunatics.

21. An order under Section 347 or Section 352 of the Code of Criminal Proceedure or under any rule relating to the lunatics passed by Our Government under the Prisons Regulation of 1071 directing the reception of a criminal lunatic into an asylum shall be sufficient authority for the reception and detention of any person named therin in such asylum or to any other asylum to which he may be lawfully transferred.

Reception after inquisition.

Reception after inquistion.

22. A lunatic so found by inquistion may be admitted and detained in an asylum on an order made by the District Court.

Order of payment of cost of maintenance of lunatic.

23. (1) When any lunatic has been admitted into an asylum in accordance with the provisions of Section 22, the District Court shall, on the application of the person in charge of such asylum, make an order for the payment of the cost of maintenance of the lunatic in the asylum, and may from time to time, direct that any sum of money payable under such order shall be recovered from the estate of the lunatic or of any person legally bound to maintain him:

Provided that if at any time it shall appear to the satisfaction of the Court that the lunatic has not sufficient property and that no person legally bound to maintain such lunatic has sufficient means for the payment of such cost, the Court shall certify the same instead of making such order for the payment of the cost as aforesaid.

(2) An order under sub-section (1) shall be enforced in the same manner and shall be of the same force and effect and subject to the same appeal as a decree made by the Court in a suit in respect of the property of person therein mentioned.

Amendment of order or certificate.

Amendment of order or certificate.

24. If after the reception of any lunatic into an asylum on a reception order, it appears that the order upon which he was received or the medical certificate or certificates upon which such order was made is or are defective or incorrect, the same may at any time afterwards be amended by the person or persons signing the same with the sanction of two or more of the visitors of the asylum, one of whom shall be a medical officer.

CHAPTER III.

CARE AND TREATMENT.

Visitors.

Appointment of visitors.

25. (1) Our Government shall appoint for every asylum not less than three visitors, one of whom at least shall be a medical officer.

(2) The District Magistrate of the place where an asylum is situated shall be a visitor *ex offico* of the asylum.

Monthly inspection by visitors

26. Two or more of the visitors, one of whom shall be a medical officer, shall, once at least in every month together inspect every part of the asylum of which they are visitors and see and examine, as far as circumstances will permit, every lunatic and boarder therein and the order and certificate for the detention of every lunatic admitted since the last *inspection* of the visitors and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the management and condition of the asylum and the inmates thereof.

Inspection of criminal lunatics by District Magistrate or visitors.

27. (1) When any person is confined under the provisions of Section 347 or Section 352 of the Code of Criminal Procedure the District Magistrate if such person is confined in a Jail or the visitors of the asylum or any two of them, if he is confined in an asylum, may visit him in order to ascertain his state of mind and he shall be visited once at least in every six months by the District Magistrate or by two of such visitors as aforesaid: and such District Magistrate or visitors shall make a special report as to the state of mind of such person to the authority under whose order he is confined.

(2) Our Government may empower the officer in charge of the ail in which such person may be confined to discharge all or any of the functions of the District Magistrate under sub-section (1).

Discharge of lunatics.

Order of discharge from asylum by visitors.

28. (1) Three of the visitors of an asylum, of whom one shall be a medical officer, may, *on consultation with the person in charge of the asylum*, by order in writing, direct the discharge of any person detained in the asylum and such person shall thereupon be discharged:

Provided that no order under this sub-section shall be made in the case of a criminal lunatic.

(2) When such order is made, if the person is detained under the order of any public authority, notice of the order of discharge shall be immediately communicated to such authority.

29. A lunatic detained in any asylum under a reception order, made on petition shall be discharged if the person on whose petition the reception order was made so applies in writing to the person in charge of the asylum:

Discharge of lunatics in other cases.

Provided that no lunatic shall be so discharged if the *person* in charge of the asylum certifies in writing that the lunatic is dangerous and unfit to be at large.

30. When any relative or friend of a lunatic detained in an asylum under the provisions of Section 13 or Section 14 is desirous that such lunatic shall be delivered over to his care and custody, he may make an application to the authority under whose order the lunatic is detained, and such authority, if it thinks fit, in consultation with the person in charge of the asylum and with the visitors or with one of them being a medical officer, and upon such relative or friend entering into a bond with or without sureties for such sum of money as the said authority thinks fit, conditioned that such lunatic shall be properly taken care of and shall be prevented from doing injury to himself or to others, may make an order of the discharge of such lunatic, and such lunatic shall thereupon be discharged.

Order of discharge on undertaking of relative for due care of the lunatic.

31. If any lunatic detained in an asylum on a reception order made under Section 6, 9, 13 or 14 is subsequently found on inquisition under Chapter IV not to be of unsound mind and incapable of managing himself and his affairs, the person in charge of the asylum shall forthwith, on the production of a certified copy of such finding, discharge the alleged lunatic from the asylum.

Discharge of person subsequently found on inquisition not to be of unsound mind.

Removal of lunatics.

32. (1) Any lunatic may, in accordance with any general or special order of Our Government, be removed from any asylum to any other asylum:

Removal of lunatics and of criminal lunatics.

Provided that no lunatic admitted into an asylum on a reception order made on petition shall be so removed until notice of such intended removal has been given to the petitioner.

(2) Our Government may make such general or special order as they think fit directing the removal of any person for whose confinement an order has been made under Section 347 or Section 352 of the Code of Criminal Procedure from the place where he is for the time being confined to any asylum, jail or other place of safe custody.

Escape and recapture.

33. Every person received into an asylum by any order under the provisions of this Regulation may be detained therein until he is removed or discharged as authorised by law, and in case of escape may by virtue of such order be retaken by any Police officer or by the

Order to justify detention and recapture after escape.

person in charge of such asylum or any officer or servant beloning thereto, or any other person authorised in that behalf by the said person in charge, and conveyed to and received and detained in such asylum :

Provided that in the case of a lunatic not being a criminal lunatic the power to retake such escaped lunatic under this Section shall be exercisable only for a period of one month from the date of his escape.

CHAPTER IV.

Proceedings in Lunacy.

Inquisition.

Power of District Court to institute inquisition as to persons alleged to be lunatic.

34. Whenever any person is possessed of property and is alleged to be a lunatic, the District Court within whose jurisdiction such person *is* residing may upon application by order, direct an inquisition for the purpose of ascertaining whether such person is of unsound mind and incapable of managing himself and his affairs.

Application by whom to be made.

35. Application for such inquisition may be made by any relative of the alleged lunatic or by the Government pleader as defined in the Code of Civil Procedure, 1100, or af the property of the alleged lunatic consists in whole or in part of land or any interest in land, by the Division Peishkar of the place in which any portion of the land is situate.

Notice of time and place of inquisition.

36. (1) Notice shall be given to the alleged lunatic of the time and place at which it is possessed to hold the inquisition.

(2) If it appears that personal service on the alleged lunatic would be ineffectual, the Court may direct such substituted service of the notice as it thinks fit.

(3) The Court may also direct a copy of such notice to be served upon any relative of the alleged lunatic and upon any other person to whom in the opinion of the Court notice of the application should be given.

Powers of Court in respect of attendance and examination of lunatics.

37. (1) The Court may require the alleged lunatic to attend at such convenient time and place as it may appoint for the purpose of being personally examined by the Court, or by any person from whom the Court may desire to have a report of the mental capacity and condition of such alleged lunatic.

(2) The Court may likewise make an order authorising any person or persons therein named to have access to the alleged lunatic for the purpose of a personal examination.

38. The attendance and examination of the alleged lunatic under the provisions of Section 37 shall, if the alleged lunatic be a woman who according to the manners and customs of the country, ought not to be compelled to appear in public, be regulated by the law and practice for the examination of such persons in other civil cases.

Rules respecting attendance and examination of females alleged to be lunatic.

39. (1) The District Court, if it thinks fit, may appoint two or more persons to act as assessors to the Court in the said inquisition.

Inquisition by District Court and finding thereon.

(2) Upon the completion of the inquisition, the Court shall determine whether the alleged lunatic is of unsound mind and incapable of managing himself and his affairs or may come to a special finding that such alleged lunatic is of unsound mind so as to be incapable of managing his affairs but that he is capable of managing himself and is not dangerous to himself or to others.

40. (1) If the alleged lunatic resides at a distance of more than fifty miles from the place where the District Court is held to which the application is made, the said court may issue a commission to any subordinate Court to make the inquisition, and such subordinate Court shall thereupon conduct the inquisition in the manner herein before provided in this Chapter.

Inquisition by subordinate Court on commission issued by District Court and proceedings thereon.

(2) On the completion of the inquisition, the subordinate court shall transmit the record of its proceedings with the opinions of the assessors, if assessors have been appointed, and its own opinion on the case; and the District Court shall thereupon proceed to dispose of the application in the manner provided in Section 39, sub-section (2):

Provided that the District Court may direct the subordinate Court to make such further or other inquiries as it thinks fit before disposing of the application.

Judicial powers over persons and estate of lunatic.

41. (1) The Court may make orders for the custody of lunatics so found by inquisition and the management of their estates.

Custody of lunatics and management of their estates.

(2) When upon the inquisition it is specially found that the person to whom the inquisition relates is of unsound mind so as to be incapable of managing his affairs, but that he is capable of managing himself, and is not dangeous to himself or to others, the Court may make such orders as it thinks fit for the management of the estate of the lunatic including proper provisions for the maintenance of the lunatic and of such members of his family as are dependent on him for maintenance, but it shall not be necessary to make any order as to the custody of the person of the lunatic.

Power to direct Division Peishkar to take charge of person and estate of lunatic in certain cases.

42. (1) If the estate of a lunatic so found consists in whole or in part of land or any interest in land, the District Court may direct the Division Peishkar of the place to take charge of the person and estate of the lunatic:

Provided that no such order shall be made without the consent of the Division Peishkar previously obtained.

(2) The Division Peishkar shall thereupon appoint a manager of the estate, and may appoint a guardian of the person of the lunatic.

Control over proceedings of Division Peishkar.

43. All proceedings of the Division Peishkar in regard to the person or estate of a lunatic under this Chapter shall be subject to the control of Our Government or of such authority as they may appoint in this behalf.

Power of District Court to appoint guardian and manager and take security from manager.

44. (1) In all other cases the District Court shall appoint a manager of the estate of the lunatic and may appoint a guardian of his person:

Provided that the District Court may, instead of appointing a manager of the estate of a lunatic, proceed under Sections 45 and 46.

(2) Any person who has been appointed by the District Court or the Division Peishkar to manage the estate of a lunatic shall, if so required, enter into a bond in such form and with such sureties as to the Court or to the Division Peishkar, as the case may be, may seem fit engaging duly to account for what he may receive in respect of the property of the lunatic.

Power to apply property for lunatic's maintenance without appointing manager in certain cases.

45. (1) If it appears to the District Court having regard to the situation and condition in life of the lunatic and his family and the other circumstances of the case to be expedient that his property should be made available for his or their maintenance in a direct and inexpensive manner it may, instead of appointing a manager of the estate, order that the property, if money, or if of any other description the produce thereof when realised, be paid to such person as the Court may think fit to be applied for the purpose aforesaid.

(2) The receipt of the person so appointed shall be a valid discharge to any person who pays any money or delivers any property of the lunatic to such persons.

Power to apply property for lunatic's maintenance in case of temporary lunacy.

46. If it appears to the District Court that the unsoundness of mind of a lunatic is in its nature temporary, and that it is expedient to make temporary provision for his maintenance or for the maintenance of such members of his family as are dependent on him for their maintenance, the Court may, in like manner as under Section 45, direct his property or a sufficient part of it to be applied for the purpose aforesaid.

47. The legal heirs of a lunatic shall not be appointed to be the guardian of the person of such lunatic unless the District Court or the Division Peishkar, as the case may be, for reasons to be recorded in writing, consider that such an appoinment is for the benefit of the lunatic.

Restriction on appointment of legal heir of lunatic to be guardian of his person.

48. A guardian of the person of a lunatic or a manager of his estate appointed under this Chapter shall be paid such allowance, if any, as the District Court or the Division Peishkar, as the case may be, thinks fit for his care and pains in the execution of his duties.

Remuneration of managers and guardians.

49. (1) The person appointed to be guardian of a lunatic's person shall have the care of his person and maintenance

Duties of guardian.

(2) When a distinct guardian is appointed, the manager shall pay to the guardian such allowance as may be fixed by the District Court or the Division Peishkar, as the case may be, for the maintenance of the lunatic and such members of his family as are dependent on him for their maintenance.

50. (1) Every manager of the estate of a lunatic appointed as aforesaid may exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic and may collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic:

Powers of manager.

Provided that no manager so appointed shall without the permission of the District Court—

(*a*) mortgage, charge, or transfer by sale, gift, exchange, or otherwise any immovable property of the lunatic . or

(*b*) lease any such property for a term exceeding five years.

Such permission may be granted subject to any condition or restriction which the Court thinks fit to impose.

(2) Before granting any such permission, the Court may cause notice of the application for such permission to be served on any relative or friend of the lunatic, and may make or cause to be made such inquiries as to the Court may seem necessary in the interest of the lunatic.

51. (1) Every person appointed by the District Court or by the Division Peishkar to be manager of the estate of a lunatic shall, within six months from the date of his appointment deliver in Court or to the Division Peishkar, as the case may be, an inventory of the immovable property belonging to the lunatic and of all such money, or other movable property, as he may receive on account of the estate, together with a statement of all debts due by or to the same.

Manager to furnish inventory and annual accounts.

(2) Every such manager shall also furnish to the Court or to the Division Peishkar, as the case may be, annually within three months of the close of the year an account of the property in his

charge, exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands.

52. If any relative of the lunatic, or the Division Peishkar by petition to the District Court impugns the accuracy of the said inventory and statement, or of any annual account, the Court may summon the manager and inquire summarily into the matter and make such order thereon as it thinks fit: or the Court, at its discretion, may refer any such petition to any subordinate Court or to the Division Peishkar, if the manager was appointed by the Division Peishkar.

Proceedings if accuracy of inventory or accounts is impugned.

53. All sums received by a manager on account of any estate in excess of what may be required for the current expenses of the lunatic or of the estate, shall be paid into such Government treasury as may be specified by the Court or the Division Peishkar, as the case may be, on account of the estate and shall be invested from time to time in any of the securities that may be authorised for this purpose by Our Government unless the Court or Division Peishkar, as the case may be, for reasons to be recorded in writing directs that such sums be in the interest of lunatic otherwise invested, or applied.

Payment into public treasury and investment of proceeds of estates.

54. Any relative of a lunatic may with leave of the District Court sue for an account from any manager appointed under this Chapter, or from any such person after his removal from office or from his legal representative in case of his death, in respect of any estate then or formerly under his care or management or any sums of money or other property received by him on account of such estate.

Relative may sue for an account.

55. (1) The District Court, for any sufficient cause, may remove any manager appointed by it and may appoint any other fit person in his place, and may compel the person so removed to make over the property in his hands to his successor and to account such successor for all money received or disbursed by him.

Removal of managers and guardians.

(2) The Court may also, for any sufficient cause, remove any guardian of the lunatic appointed by it and may appoint any other fit person in his place.

(3) The Division Peishkar, for any sufficient cause, may remove any manager of the estate of a lunatic or guardian of the person of a lunatic appointed by him, and may appoint any other fit person in place of such manager or guardian; and the District Court, on the application of the Division Peishkar, may compel any manager removed under this Section to make over the property and all accounts in his hands to his successor and to account to such successor for all money received or disbursed by him.

56. The District Court may impose a fine not exceeding five hundred rupees on any manager of the estate of a lunatic who wilfully neglects or refuses to deliver his accounts or any property in his hands within the time fixed by the Court and may realise such fine as if it were a sum due under a decree of the Court, and may also commit the recusant to the civil jail until he delivers such accounts or property.

Penalty on manager for refusing to deliver accounts or property.

57. (1) When any person has been found under this Chapter to be of unsound mind, and it is subsequently shown to the District Court that there is reason to believe that such unsoundness of mind has ceased, such Court may make an order for inquiring whether such person is still of unsound mind and incapable of managing himself and his affairs.

Proceedings in lunacy to cease or to be set aside if Court finds that the unsoundness of mind has ceased.

(2) The inquiry shall, as far as may be, be conducted in the same manner as is prescribed in this Chapter for an inquisition into the unsoundness of mind of an alleged lunatic, and if it is found that the unsoundness of mind has ceased, the Court shall order all proceedings in the lunacy to cease or to be set aside on such terms and conditions as to the Court may seem fit.

58. An appeal shall lie to the High Court from any order made by a District Court, under this Chapter.

Appeal.

PART III.

MISCELLANEOUS.

CHAPTER V.

Expenses of lunatics.

59. Any money in the possession of a lunatic found wandering at large may be applied by Magistrate towards the payment of the cost of maintenance of the lunatic or of any other expenses incurred on his behalf, and any movable property found on the person of the lunatic may be sold by the Magistrate, and the proceeds thereof similarly applied.

Application of property in the possession of a lunatic found wandering.

Explanation.—Nothing in the foregoing provision shall be deemed to authorise such application or such sale and application, as the case may be, if the Magistrate has reason to believe that the money or the movable property, as the case may be, does not belong to the lunatic.

60. If a lunatic detained in an asylum on a reception order made under Section 13 or Section 14 has an estate applicable to his maintenance, or if any person legally bound to maintain such lunatic has the means to maintain him the authority which made the reception order may apply to the District Court within the local limits of which the estate of the lunatic or any part of it is situate or the person legally bound to maintain him resides, for an order for the payment of the cost of maintenance of the lunatic.

Application to civil court for order for the payment of cost of maintenance out of the lunatic's estate, or by person bound to maintain him.

61. (1) The Court shall inquire into the matter in a summary way, and on being satisfied that such lunatic has an estate applicable to his maintenance, or that any person is legally bound to maintain and has the means of maintaining such lunatic, may make an order for the recovery of the cost of maintenance of such lunatic, together with the costs of the application out of such estate or from such person.

Order of court and enforcement thereof.

(2) Such order shall be enforced in the same manner, and shall be of the same force and effect and subject to the same appeal, as a decree made by the said Court in a suit in respect of the property or person therein mentioned.

62. The liability of any relative or person to maintain any lunatic shall not be taken away or affected by any provision contained in this Regulation.

Saving of liability of relatives to maintain lunatic.

CHAPTER VI.

Rules.

63. (1) Our Government may make rules for all or any of the following purposes, namely:—

Power of Government to make rules.

(*a*) to prescribe forms for any proceeding under this Regulation;

(*b*) to prescribe places of detention and regulate the care and treatment of persons detained and the removal of persons detained from one asylum to another;

(*c*) to regulate the confinement, care, treatment and discharge of criminal lunatics;

(*d*) to regulate the management of asylums and the care and custody of the inmates thereof;

(*e*) to prescribe the procedure to be followed by District Courts and Magistrates before a lunatic is sent to any asylum established by Our Government; and

(*f*) save as otherwise provided in this Regulation, generally to carry into effect the provisions of the Regulation.

(2) In making any rule under the Section, Our Government may direct that a breach of it shall be punishable with fine which may extend to fifty rupees.

64. All rules made under Section 63 shall be published in Our Government Gazette and shall thereupon have effect as if enacted in this Regulation.

Publication of rules.

CHAPTER VII.

Supplemental Provisions.

65. Any person who—

Penalty for improper reception or detention of lunatics.

(*a*) otherwise than in accordance with the provisions of this Regulation receives or detains a lunatic or alleged lunatic in an asylum, or

(*b*) for gain detains two or more lunatics in any place not being an asylum, shall be punishable with imprisonment which may extend to two years or with fine or with both.

Provisions as to bonds.

66. The provisions of Chapter XL of the Code of Criminal Procedure shall, so far as may be apply to bonds taken under this Regulation.

Pension of lunatic payable by Government.

67. (1) When any sum is payable in respect of pay, pension, gratuity or other similar allowance to any person by Our Government and the person to whom the sum is payable is certified by a Magistrate to be a lunatic, the Government officer under whose authority such sum would be payable if the payee were not a lunatic may pay so much of the said sum as he thinks fit to the person having charge of the lunatic, and may pay the surplus, if any, or such part thereof as he thinks fit for the maintenance of such members of the lunatic's family as are dependent on him for maintenance.

Use of forms in Schedule.

68. Subject to any rule the forms set forth in the Schedule with such variation as the circumstances of each case may require, shall be used for the respective purposes therein mentioned, and if used, shall be sufficient.

Protection to persons acting under Regulation.

69. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

Power to give effect to warrants and orders of certain courts outside Travancore.

70. Any officer in charge of any asylum may give effect to any order or warrant for the reception and detention of any lunatic made or issued by any court or authority beyond the limits of Travancore notified by Our Government in this behalf in Our Government Gazette from time to time.

Power to make rules for reception of lunatics received from outside Travancore.

71. Our Government may make rules regarding the reception and detention in any asylum of lunatics whose reception and detention are provided for by Section 70.

Repeal and order under repealed enactment.

72. The Travancore Lunacy Regulation (I of 1080) is hereby repealed. But all orders for the detention of lunatics made and all undertakings given thereunder shall have the same force and effect as if they had been made or given under this Regulation and by or to the authority empowered thereby in such behalf.

SCHEDULE.

FORMS.

See Section 68.

FORM I.

APPLICATION FOR RECEPTION ORDER.

(*See Sections 4 and 5.*)

In the matter of A. B., residing at by occupation , son of , a person alleged to be a lunatic.

To District Magistrate of . (or the First Class Magistrate of)

The petition of C. D. residing at occupation son of in the town, etc., of in the taluk of .

1. I am years of age.
2. I desire to obtain an order for the reception of A. B. as a lunatic in the asylum situate at .
3. I last saw the said A. B., at on the day of
4. I am the of the said A. B. (or if the petitioner is not a relative of the patient state as follows :—)

I am not a relative of the said A. B. The reasons why this petition is not presented by a relative are as follows :—(State them).

The circumstances under which this petition is presented by me are as follows : —(State them).

5. The persons signing the medical certificates which accompany the petition are...
6. A statement of particulars relating to the said A. B. accompanies this petition.
7. (If that is the fact) An application for an enquiry into the mental capacity of the said A. B. was made to the on the and a certified copy of the order made on the said petition is annexed hereto. (Or if that is the fact.)

No application for an enquiry into the mental capacity of the said A. B. has been made previous to this application.

The petitioner therefore prays that a reception order may be made in accordance with the foregoing statement.

(Sd.) C. D.

The statements contained or referred to in paragraphs are true to my knowledge ; the other statements are to my information and belief.

Dated. (Sd.) C. D.

C.1.

Statement of Particulars.

(If any of the particulars in this statement is not known, the fact to be so stated.)

The following is a statement of particulars relating to the said A. B.

Name of patient at length.

Sex and age.

Married, single or widowed.

Previous occupation.

Caste and religious belief, as far as known.

Residence at or immediately previous to the date hereof.

Names of any near relatives to the patient who are alive.

Whether this is first attack of lunacy.

Age (if known) on first attack.

When and where previously under care and treatment as a lunatic.

Duration of existing attack.

Supposed cause.

Whether the patient is subjected to epilepsy.

Whether suicidal.

Whether the patient is known to be suffering from phthisis or any form of tubercular disease.

Whether dangerous to others, and in what way.

Whether any near relative (stating the relationship) has been afflicted with insanity.

Whether the patient is addicted to alchohol, or the use of opium, ganja, charas, bhang, cocaine or other intoxicant.

(The statement contained or referred to in paragraphs are true to my knowledge. The other statements are true to my information and belief.)

(Signature by person making the statement.)

FORM 2.

Receipt on order on Petition.

(*See Section 6 and 9.*)

I, the undersigned E. F., being the District Magistrate of (or the First Class Magistrate of upon the petition of C. D. of in the matter of A. B. a lunatic, accompanied by the Medical certificates of G. H., a medical officer, and of J. K. a medical practitioner or medical officer), under the Travancore Lunacy Regulation, hereto annexed, hereby authorise you to receive the said A. B. into your asylum. And I declare that I have (or have not) personally seen the said A. B. before making this order.

(Sd.) E. F.
(Designation as above.)

To

FORM 3.

Medical Certificate.

(See Sections 16 and 17.)

In the matter of A. B. of in the town, etc. of in the Taluk of an alleged lunatic.

I, the undersigned C. D., do hereby certify as follows :—

1. I am a gazetted medical officer (or a medical practitioner declared by Government to be medical officer under the Travancore Lunacy Regulation) / holder of (or ordered by Government to be a medical practitioner under the Travancore Lunacy Regulation) and I am in the actual practice of the medical profession.

2. On the day of year at in the town / village of in the taluk of (separately from any other practitioner), I personally examined the said A. B. and came to the conclusion that the said A. B. is lunatic and a proper person to be taken charge of and detained under care and treatment.

3. I formed this conclusion on the following grounds, viz.—

(*a*) Facts indicating insanity observed by myself, viz.—

(*b*) Other fact (if any) indicating insanity communicated to me by others, *viz.*—

Here state the information and from whom.

(Sd.) C. D.
(Designation as above.)

FORM 4.

Reception order in case of wandering or dangerous lunatics or lunatic snot under proper control or cruelly treated (sent to an asylum established by Government.)

(See Sections 13 and 14.)

I, C. D., the District Magistrate of (or the First Class Magistrate of) having caused A. B. to be examined by E. F. a medical officer under the Travancore Lunacy Regulation, and being satisfied that A. B. (describing him) is a lunatic who was wandering at large (or is a person dangerous by reason of lunacy) (or is a lunatic not under proper care and control is cruelly treated or neglected by the person having the care or charge of him) and a proper person to be taken charge of and detained under care and treatment, hereby direct you to receive the said A B. into your asylum.

(Sd.) C. D.
(Designation as above.)

Dated the

To the Officer in charge of the asylum at

FORM 5.

SAME WHEN SENT TO AN ASYLUM NOT BEING AN ASYLUM ESTABLISHED BY GOVERNMENT.

I, C. D. (as above down to "care and treatment") and being satisfied with the engagement entered into in writing by G. H. of (here insert address and description) who has desired that the said A. B. may be sent to the asylum at (here insert description of asylum and name of the person in charge) to pay the cost of maintenance of the said A. B. in the said asylum, hereby authorise you to receive the said A. B. into your asylum.

(Sd.) C. D.
(Designation of above.)

Dated the

To the person in charge of the asylum at

FORM 6.

BOND ON THE MAKING OVER OF A LUNATIC TO THE CARE OF A RELATIVE OR FRIEND.

(See Sections 13 and 15.)

Whereas A. B. son of inhabitant of , has been brought up before C. D., the District Magistrate of or the First Class Magistrate of and is a lunatic who is believed to be dangerous (or deemed to be a lunatic who is not under proper care and control or is cruelly treated or neglected by the person having the charge of him) and whereas I. E. F., son of , inhabitant of have applied to the Magistrate that the said A. B. may be delivered to my care.

I, E. F., above-named hereby bind myself that on the said A. B. being made over to my care, I will have the said A. B. properly taken care of and prevented from doing injury to himself or to others and in case of my making default therein, I hereby bind myself to forfeit to the Government of His Highness the Maha Raja, the sum of rupees
Dated the day of year

(Sd.) E. F.

(Where a bond with sureties is to be executed add)—

We do hereby declare ourselves sureties for the above named E. F. that he will, on the aforesaid A. B. being made over to his care, have the said A. B. properly taken care of and prevented from doing injury to himself or to others and in case of the said E. F. making default therein, we bind ourselves jointly and severally, to forfeit to the Government of His Highness the Maha Raja the sum of rupees
Dated the day of year

(Signature.)

FORM 7.

BOND ON THE DISCHARGE OF A LUNATIC FROM AN ASYLUM ON THE UNDERTAKING OF RELATIVE OR FRIEND TO TAKE DUE CARE.

(*See Section 30.*)

Whereas A. B. son of , inhabitant of , is a lunatic who is now detained in the asylum at under , an order made by C. D., the District Magistrate for the town of or the First Class Magistrate of , under Section 13, or (Section 14) of the Travancore Lunacy Regulation, and whereas I. E. F., son of inhabitant of have applied to the said Magistrate, that the said A. B. may be delivered to my care and custody:

I hereby bind myself that on the said A. B. being made over to my care and custody, I will have him properly taken care of and prevented from doing injury to himself or to others; and in case of my making default therein, I hereby bind myself to forfeit to the Government of His Highness the Maha Raja, the sum of rupees

Dated this day of year

(Sd. E. F.)

(Where a bond with sureties is to be executed add)—We do hereby declare ourselves sureties for the above-named E. F. that he will, on the aforesaid A. B. being delivered to his care and custody, have the said A B. properly taken care of and prevented from doing injury to himself or to others; and in case of the said E. F. making default therein, we bind ourselves, jointly and severally, to forfeit to the Government of His Highness the Maha Raja, the sum of rupees

Dated this day of year

(Signature)

Annexure 1.

REPORT OF THE SELECT COMMITTEE ON THE TRAVANCORE CIVIL COURTS' POWERS (AMENDMENT) BILL.

To

The President,
Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee to which the Travancore Civil Courts' Powers (Amendment) Bill has been referred for consideration, have considered the Bill and beg now to submit this our

REPORT.

1. We sat over the Bill for three days and carefully considered all its provisions. Since the provisions of the Bill are calculated to improve the administration of justice in the country and since the acceptability of the provisions may be influenced by the present conditions of work in the Civil Courts, we invited certain prominent members of the Bar to be present at our sittings. In response to the invitation, Messrs. C. Madhavan Pillai, K. P. Abraham, A. R. Damodaran Nambiar, A. R. Padmanabha Rao and L. Sankaranarayana Iyer were so good as to be present, and we obtained very enlightening facts and views from them in respect of the provisions of the Bill. Mr. R. Raman Pillai, Member of the Sri Mulam Assembly, was also present and contributed to our information. Mr. S. Kulathuran, Registrar of the High Court, was present with statistics and he supplied us with the available figures bearing on the provisions of the Bill. The Committee are obliged to all these gentlemen.

Having regard to the intimate bearing of these provisions on the working of the Courts and the repercussions that these provisions, if accepted, may have on the administration of justice in the State, the Committee issued an invitation, under Standing Order No. 35 (4), to Mr. Joseph Thaliath, Chief Justice, requesting the presence of either himself or of any of his other judges at the sittings of the Committee so that the Committee may be in a position to elicit material facts and views touching the proposed provisions, the working of the Courts in these directions at present and the effect of the provisions or any modification of the provision, if accepted, on the work of the Courts and, in short to tell the committee the Judiciary'sview on these matters. The Law Member was able, no doubt,

to supply the Committee with the Government's views and he represented the Judicial Department's view too, as known to him. But the Committee thought that before they can take the responsibility of recommending the acceptance of the provisions of the Bill, it was their duty to ascertain the views of gentlemen occupying the highest grade in the Judiciary. The Judges of the High Court, however, did not respond to the invitation. The Committee had not, in the circumstances, the benefit of their views.

We proceed to record our conclusions,

Clause II, sub-clause (a). The majority of the Committee accept this provision.

Clause II, sub-clause (b). This provision is intended to raise the small cause jurisdiction of the Munsiffs from Rs. 100 to Rs.200.

We considered this provision carefully. The majority of the Committee feel that the administration of even the existing small cause jurisdiction is unsatisfactory. Having regard to that and also to the fact that Rs. 200 is a substantial sum for the average citizen of Travancore, the majority of the Committee have come to the conclusion that the small cause jurisdiction cannot be raised.

We are, therefore, of opinion that this provision should be deleted.

Clause II, sub-clause (c). At present appeals against the Munsiffs' decisions lie to the High Court wherever the value of original suits exceeds Rs. 1,000. What is proposed by this sub-clause is to make all appeals against the decisions of Munsiffs to lie to the District Courts so that no first appeal whatever will be filed in the High Court against the Munsiffs' decisions. In the light of the information and the views which the Committee had before them, the majority have unhesitatingly come to the conclusion that this provision cannot, in the present circumstances, be accepted. They are accordingly of opinion that this provision should be deleted.

Clause III, sub-claue (a). The object of this sub-clause is to constitute a single Judge of the High Court as an Admission Court in respect of second appeals.

As the law stands, an appeal does not lie on facts where the Munsiff and the District Judge have come to concurrent conclusions. Many appeals are, however, filed against such concurrent conclusions. As it is hoped that a portion of the time taken by a Bench of the Court in dealing with such appeals may be saved by a preliminary scrutiny a single Judge, an admission Court has been proposed in the Bill. While it was accepted by the Committee that

in theory, this provision may be sound, yet, having regard to the prevailing conditions, the majority are of opinion that this provision cannot be accepted. The clause has therefore to be deleted.

Clause III, sub-clause (b). This sub-clause is dependant on sub-clause (a) and has to be deleted with the deletion of that sub-clause.

Clause III, sub-clause (c). This provision may be accepted.

Clause IV. The object of this provision is to provide what is sometimes called a small cause appellate jurisdiction in the District Court, that is to say, that the appeal decisions by the District Judge, in respect of suits the value of which is less than Rs. 500 and which is of a small cause nature should be made final and that a second appeal should not lie against such decisions of the District Judge. We have carefully considered this provision, but the majority of us are of opinion that this provision too cannot, in the present circumstances, be accepted. We recommend that this clause should be deleted.

The Law Member pointed out that the radical changes proposed affect the principle of the Bill and are not permissible. But as, at the introduction of the Bill, the Assembly gave a wide latitude to the Select Committee, the Chairman permitted the amendments.

We append herewith a copy of the Bill as amended by us.

We are of opinion that the Bill should be re-published.

(Sd.) T. K. Velu Pillai, (*Chairman*) 15-11-1934.

„ A. S. Damodaran Asan
(*Subject to my dissenting minute.*)

„ K. Kunjukrishna Pillai,
(*Subject to my minute of dissent*)

„ P. K. Narayana Pillai
(*Subject to my additional note*)

„ K. C. Abraham,
(*Subject to my dissent*)

„ S. Nilakanta Pillai.

„ K. Padmanabhan.

„ S. J. Nair.
(*Subject to the dissenting note.*)

„ Antony George.

„ Pottayil S. Krishna Panikkar.

„ M. K. Janardana Kamath.

„ K. Parameswaran Pillai,
(*Subject to a dissenting note*),

DISSENTING NOTE OF MR. A. S. DAMODARAN ASAN.

Even after the discussion of the provisions of the Bill in the Select Committee, I am unable to alter the views expressed by me when the principles of the Bill were considered by the Assembly. Only two out of the seven amendments have survived the Select Committee stage. The amendment authorising the High Court to delegate to any officer the ministerial duty of signing Rules and Circulars was carried without opposition while the other amendment regarding the enhancement of the pecuniary jurisdiction of (original suits) of the Munsiffs' Courts in general was carried by the majority. I am one of those who opposed the latter amendment.

The amendment proposes to enhance the pecuniary jurisdiction of the Munsiffs from Rs. 2000 to Rs. 2500. It is not disputed that in point of efficiency and experience the judges are superior to Munsiffs for judicial work. Very large interests are generally involved in suits of the above value. This is evident from the fact that the main report recognises that even Rs. 200 is a substantial sum for the average citizen of Travancore. The High Court have, by the Rules framed under the Suits Valuation Regulation, fixed the value of certain classes of suits (e.g., Trust suits, Karanavastham suits, suits relating to marriage, divorce and restitution of conjugal rights) at Br. Rs. 2000 and thus made such suits exclusively triable by the District Courts. The proposed amendment would make such suits triable by the Munsiff's Courts. All these considerations support my view that the proposed amendment is inadvisable.

The argument advanced is support of the amendment is that a Munsiff who decides suits of the value of Rs. 2000 could be allowed to try suits of the value of Rs. 2,500. Repetitions of this argument would enable one to justify the enhancement of jurisdiction of the Munsiff to any extent.

The object of the Bill is stated to be the expeditious disposal of suits. The proposed amendment is only for a transfer of the cases from the District Courts to Munsiffs' Courts. It is not shown how this transfer would achieve the above object. It is not stated that a Munsiff would dispose of a case more speedily than the judge. On the other hand, the presumption is that the judges would decide cases with greater expedition than the Munsiffs.

(Sd.) A. S. DAMODARAN ASAN.

DISSENTING NOTE OF Mr. K. KUNJUKRISHNA PILLAI.

I do not agree with the view of the majority of the Committee, that clause III, sub-clause (a) of the Bill should be deleted. The majority of the Committee agree that in theory the provision in the Bill for an admission court is sound. But they are of opinion that "having regard to the prevailing conditions this provision cannot be accepted." I confess, I am at a loss to understand what the majority of the Committee mean by this statement.

It has to be remembered that we have an admission court at present for petitions and the system is working satisfactorily. The Laws Delay's Commissioner observes that the proposal for an admission court has been received well by the public at large. Moreover, though no statistics are available at present as regards the number of second appeals preferred against concurrent findings, and the results of such appeals, it is a matter of common knowledge that a good many second appeals are being filed as a matter of fact, in cases concurrently found by the subordinate courts. Such appeals, though they end in dismissal in the majority of cases, take up some of the time of the judges, and cause considerable trouble and annoyance to the respondents. Much of this delay, trouble and expense could be avoided by a preliminary scrutiny of such appeals. In British India all second appeals undergo a preliminary scrutiny before they are admitted. This measure would be really beneficial to the litigants if these appeals are charged with a court fee of Rs. 2 only at the preliminary stage of scrutiny in the admission court and *ad valorem* court fee being charged on such appeals after they are admitted.

I am of opinion that clause III, sub-clauses (*a*) and (*b*) should be retained.

(Sd.) K. Kunjukrishna Pillai.

ADDITIONAL NOTE OF Mr. P. K. NARAYANA PILLAI, ASSENTED TO BY Mr. POTTAYIL S. KRISHNA PANICKAR.

It is indeed a disappointment that the provisions of the Bill, except clauses II (*a*) and III (*c*), have not met with the approval of the Select Committee. The object of the Bill is the expeditious disposal of suits and appeals. It assumes the efficiency of the courts, not only under the existing circumstances, but also under the altered conditions contemplated in the Bill. But what I gather from the trend of the discussions is that there is a deep undercurrent of mistrust in the justness and efficiency of our law courts

generally. Recruitment of judicial officers on the communal basis, to the rigid exclusion of common inter-communal standards, the infilteration of communal colouring on account of the aforesaid system, the temptations to use judicial posts are stepping-stones to appointments in other departments, absence of any usage or tradition compelling exclusive devotion to law and some other aspects of the existing system were brought up during the course of the discussions. So much so I found that many of my collegues were not prepared to trust a single Judge of the High Court being invested with jurisdiction to deal with second appeals *in limine* even in cases of concurrent findings. Such is the impression of the work of the courts, whether it is well-founded or ill-founded. Confidence in the administration of justice being on the wane, the Government cannot afford to be indifferent to it. It ought to be their endeavour to remove it. The Legislature has also to take note of it. The Lord Chancellor is reported to have said recently that it was desirable that "Parliament should at all times be fully aware of the state of business in courts and the manner in which such business was being discharged." *vide* the Hindu of 20th November 1934. As it is, the pronouncements of the High Court, be it of a single Judge, of a Division Bench or a Full Bench, are not open to any further challenge by way of letters patent appeals or appeals to a higher tribunal like the Privy Council as in British India. If the decisions of the eminent Judges of the charted High Courts in British India are liable to be tested by such provisions, I fail to understand why the pronouncements of the learned Judges of our High Court should remain immune from further challenges. A right of appeal is a wholesome check. In Travancore there is no machinery to test the quality and character of the work of the High court It seems to me to be a desideratum. The existing system might have been good enough in the past on account of the general proneness to abide by the authority of the High Court. But now authority in itself, apart from reasoning, is hardly acceptable to the litigant public. The Bill seeks to reduce the pressure of the work in the High Court. That implies that there is reason to doubt the quality of the work of the High Court on account of pressure. With the safeguards of letters patent appeals and further appeals to a higher tribunal, I agree that some of the modifications proposed in the Bill may be introduced with advantage. Even if no modification is introduced, it is time to devise some machinery to sustain and ensure faith in the work of the Judiciary in the State.

(Sd) P. K. NARAYANA PILLAI.

I agree to the above note.

(Sd.) POTTAYIL S. KRISHNA PANIKAR.

DISSENTING NOTE OF MR. K. C. ABRAHAM.

I wish to add a minute of dissent. Amongst the many valuable recommendations of the Law's Delays Commissioner, a few were sought to be embodied in the Bill before the committee ; and, now, shorn of the most effective provisions meant to relieve congestion and speed up justice, the Bill would emerge from the committee as a withered stock. Though personally I am disposed to believe in the existing law as thoroughly efficient in the hands of competent workmen, yet the Legislature cannot control their working it; and the draft Bill was the result.

The first step in the process of expedition is to relieve the hard-worked Munsiff and enable him to turn out better quality of work. For this purpose the enhancement of the Small Cause jurisdiction is most salutary. The Law's Delays Commissioner made a halting recommendation in favour of Principal District Munsiffs at District centres ; and thereby, I take it, accepted the principle. But the distinction was not based upon any consideration of efficiency: probably no such consideration would prevail. Nevertheless, the desperate situation of statistical figures had to be tackled ; and in the same spirit Government have reviewed that the work of the Munsiff is deteriorating. Efficiency apart, the public have sufficient confidence in the general integrity of the Munsiff that the measure could not on that score be objected to in principle. Even otherwise, it is well that the public realise that there are certain high purposes of justice and law that subordinate to them individual wrongs and redresses. The present necessity is a case of the kind. I do not appreciate the argument based on comparative poverty of the Small Cause litigant and deprivation of the right of appeal. His poverty is second in this country to his litigiousness; and holding his creditor at arm's length in simple money suits by all the artifices available at law, through the various grades of courts, he wastes his own substance and blights the prosperity of others in business. There is no policy in encouraging it; and even at the risk of individual hardship, the law must put its foot sternly upon this.

To urge that the right of appeal would be lost is to import a *sine qua non* into every variety of suit. It ignores the fundamental conception of necessary summary jurisdiction. The report of the High Court Vakils' Association deplores that in point of dilated trial, there is practically no difference between an original and a small cause ; and that many a Munsiff enlarges himself in reasons over the small cause finding. I know a Munsiff who in twelve close-written pages dismissed a small cause *exparte* on first hearing,

The species fortunately is now fast becoming extinct. I believe that at present the public suffers not so much from an arbitrary exercise of summary jurisdiction as from a procrastination of simple issues ; and for both these ills the High Court's revisional jurisdiction is, and should be, quite adequate. If, as the Report of the Travancore High Court Vakils' Association goes, (page 18) "Generally in the matter of conflicting findings 'in suits of the *nature of small causes*' (however much their value) which are based on oral evidence, the High Court generally prefers the opinion of the trying Munsiff to that of the judge" who sits in appeal, it may very pertinently be asked why the honest judgement of the Munsiff in *really small cause suits* below Rs. 200 should be so desperately hazardous especially when immediately after hearing the evidence honest conclusions are recorded ; and they are revisable. 'Substantial justice' is the result of honest reasoning and sound common sense. Trusting to them I urge the retention of Clause II (*b*) in the Bill.

The reason is all the more obvious when the court the Munsiff has been burdened by the Committee's recommendations with suits of the value between Rs. 2,000 and Rs. 2,500. I have no doubt that the Bill as recommended by the Committee is bound to tell upon the quality of work now turned out by the Munsiff, with what effect needs no mention.

Then for an admission court. It is a fact, that "a good many (worthless) second appeals are being filed year after year" and weekly given up at the hearing. Except that they encumber the file and waste the time of the judges, no good ever comes out of them for any person concerned. Think of the enormous waste of money that the hard-done litigant is put to just for his craving for the court. An adimission court to scrutinise the grounds of second appeal obtains in other jurisdictions ; it would relive the High Court of a modest two hundred and twenty five appeals every year ; it would prevent the scramble for the poor litigant's purse, for whom much sympathy is evinced ; and "the proposal has been very well received by the public". For these reasons I cannot assent to the deletion of Clause III (*a*) and (*b*) of the Bill.

It may also be remarked that the premble of the Bill as originally stood for the expeditious disposal of suits has now become quite inappropriate.

(Sd.) K. C. ABRAHAM.

DISSENTING NOTE OF MR. S. J. NAIR.

I entirely agree with the report of the majority of the Committee except with their findings in respect of sub-clause (c) in Clause II. So far as this provision in the Bill is concerned, even though I do not support the view contained in the Bill, viz., to make all appeals against the decisions of the Munsiffs to lie to the District Courts so that no first appeal whatever will be filed in the High Court against the Munsiffs' decisions I am of opinion that the present appellate jurisdiction of the District Courts ought to be raised to some extent, so that the congestion of work in the High Court would be relieved to some extent and at the same time, the District Courts would be given sufficient work.

It would be found from the majority report that the majority of the Committee has accepted the provision contained in Clause II, sub clause (*a*). The acceptance of this provision has got a good deal to do in minimising the existing work of the District Courts. From the statistics of the available figures supplied for the information of the Committee by the Registrar of the High Court, it is found that the number of original suits filed in District Courts in the State in the years 1106, 1107, 1108 and 1109 have been 881, 921, 856 and 847, respectively. Of these, 531, 529, 498 and 578, respectively, have been the number of original suits between the value of Rs. 2000 and Rs, 2500 filed in the District Courts in the years shown above. By taking into consideration the number of original suits filed in the District Courts in 1109 alone, it would be evident that the implication of having accepted sub-clause (*a*) in Clause II by the majority of the Committee is that the District Courts would be relieved roughly of more than, half of their present labours so far as original suits filed in District Cours are concerned. So to give additional work to the District Courts and at the same time reduce some work of the High Court to relieve the existing congestion of work in the High Court would be reasonable and justifiable. For this, Sub-clause (*c*) under Clause II ought to have been accepted by the Committee, of course, with certain modifications. I am of opinion that it would be better if the District Courts are permitted to certain appeals of the value of Rs. 1,000 to Rs. 1,500. This would also be a *via media* of the proposal contained in the recommendations of the Law s Delays Commissioner. Moreover, the total number of appeal suits from decrees filed in High Court in the years 1106, 1107, 1108 and 1109 have been 394, 396, 420 and 425, respectively. Of these, 101, 74 85 and 80, respectively, have been appeals from decrees of suits of the value of Rs. 1,000 to Rs. 1,500. By taking into consideration

the appeal suits filed in the High Court in the year 1109 alone, it is found that about one-fifth of the appeal suits are of the value between Rs. 1,000 and Rs, 1,500. So by enhancing the appellate jurisdiction of the District Courts and making the District Courts the first appellate court from the decrees of Munsiffs, in suits of the value of Rs. 1,000 and Rs. 1,500, the High Court would be relieved roughly of one-fifth of its present work. This would go to a great extent to remove the law's delays in the High Court. Hence the gentlemen in the Select Committee ought to have accepted sub-clause (*a*) in clause II in an amended form. This too they have not done. Hence, so far as the opinion of the majority in the Committee is concerned in respect of clause II, sub-clause (*a*), I beg to differ from them. With this difference, I entirely agree with the findings of the majority of the Committee.

(Sd.) S. J. NAIR.

DISSENTING NOTE OF MR. KAYALAM PARAMESWARAN PILLAI.

I do not think that them is sufficient justification for deleting the provisions proposed by the majority to be deleted. The principle of these provisions has had the support of the Law's Delays Commissioner and the High Court.

(Sd.) KAYALAM PARAMESWARAN PILLAI.

Annexure II.

THE TRAVANCORE CIVIL COURTS' POWERS AMENDMENT BILL.

(As revised by the Select Committee.)

Preamble. Whereas it is expedient to enhance the jurisdiction and powers of Courts of Civil Judicature in certain matters with a view to the expeditious disposal of suits; It is hereby enacted as follows :—

Short title and commencement. I. (*a*) This Regulation may be called "the Travancore Civil Courts' Powers (Amendment) Regulation, 1110.

(*b*) It shall come into force on......

Amendment of Section 12, Civil Courts' Regulation 1084. II. The Travancore Civil Courts' Regulation, 1084, shall be amended as mentioned hereinafter in this Section, namely :—

In Section 12, for the words "two thousand" the words "two thousand and five hundred" shall be substituted.

Amendment of Section 17, High Court Regulation 1099. III. The Travancore High Court Regulation of 1099 shall be amended as mentioned hereinafter in this Section, namely:—

In Section 17, the following shall be added at the end, namely :—

"or by such officer of the High Court, and in such manner, as the High Court may, by order, determine from time to time."

Annexure III.

THE TRAVANCORE BREACH OF CONTRACT (REPEALING) BILL.

A BILL TO REPEAL CERTAIN ENACTMENTS WHEREBY BREACHES OF CONTRACT BY LABOURERS ARE MADE PUNISHABLE UNDER THE CRIMINAL LAW.

Preamble.

Whereas it is expedient to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law; It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Regulation may be called the Travancore breach of Contract (Repealing) Regulation 111.

(2) It shall come into force on..........

Repeal.

2. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(*See Section 2.*)

Year of Regulation.	Number of Regulation.	Short title or other particulars or Regulation.	Extent of Repeal.
1074	I	The Travancore Penal Code	Sections 493 and 495.
1080	II	The Travancore Breach of Contract Regulation of 1080	The whole.
1087	V	Amendment or Do.	The whole.

STATEMENT OF OBJECTS AND REASONS.

Certain enactments whereby breaches of contract by labourers were made punishable under the Criminal Law, *viz.*, the Workman's Breach of Contract Act (XIII of 1859) and Sections 490 and 492 of the Indian Penal Code were repealed in British India by Act III of 1925. The question of repealing the corresponding provisions in Travancore has been under consideration since then.

The International Labour Conference of June 1930 has expressed the view that forced or compulsory labour should as a rule be abolished as early as practicable, and this principle has been generally accepted by the Indian Legislatures in 1931. It is proposed by this Bill to repeal the Travancore Breach of Contract Regulation of 1080, as amended by Regulation V of 1087, and Sections 493 and 495 of the Travancore Penal Code. The corresponding provisions of British India have been repealed, as stated above, by Act III of 1925. Similar action has recently been taken in Mysore also.

Annexure IV.

THE TRAVANCORE BREACH OF CONTRACT (REPEALING) BILL.

(As passed by the Sri Mulam Assembly.)

A Bill to repeal certain enactments whereby breaches of contrat by labourers are made punishable under the Criminal Law.

Preamble. Whereas it is expedient to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law; It is hereby enacted as follows :

Short title and commencement. 1. (1) This Regulation may be called the Travancore Breach of Contract (Repealing) Regulation, 1110.

(2) It shall come into force at once.

Repeal. 2. The enactments mentioned in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

Enactmmnts Repealed.

(*See Section* 2.)

Year of Regulation.	Number of Regulation.	Short title or other particulars of Regulation.	Extent of Repeal.
1074	I	The Travancore Penal Code.	Sections 493 and 495.
1080	II	The Travancore Breach of Contract Regulation of 1080	The whole.
1087	V	Amendment of Do.	The whole.

Annexure V.

A BILL TO AMEND THE TRAVANCORE JENMI AND KUDIYAN REGULATION OF 1071.

Whereas it is expedient further to amend the Travancore Jenmi and Kudiyan Regulation of 1071 (Regulation V of 1071 as amended by Regulation XII of 1108) for the purposes hereinafter appearing; It is hereby enacted as follows :—

Preamble.

1. (*a*) This Regulation may be called the Travancore Jenmi and Kudiyan (Amendment) Regulation 1110.

Short title, and Commencement.

(*b*) It shall come into force at once.

2. In the Travancore Jenmi and Kudiyan Regulation of 1071 (Regulation V of 1071 as amended by Regulation XII of 1108), hereinafter referred to as the said Regulation, in Section 3, clause (15), the following shall be added as an Explanation, namely :—

Amendment of Section 3, clause (15)

"*Explanation.*—Wherever at a general Land Revenue Settlement brought into force by Our Government a pattam has not been fixed in respect of any jenmam land, the settlement pattam in respect of that land shall, so long as the said Land Revenue Settlement remains in force, be the pattam that would have been fixed if the land had been assessed to pattam at the said Land Revenue Settlement."

3. In the said Regulation, in Section 3, clause (17),

(*a*) in sub-clause (*a*).

Amendment of Section 3, clause 17.

(i) after the expression "Cherikkal lands," where it occurs for the second time, the word "either" shall be inserted; and

(ii) after the word "amount," the following words shall be inserted, namely :—

"or the jenmivaram whichever is greater"; and

(*b*) after Explanation 3 the following shall be added as an Explanation, namely :—

"*Explanation 4.*—If, in determining whichever of the jenmivaram or the settlement pattamicham *minus* the interest on the kanom amount is greater

or in deducting the said interest from the settlement pattamicham, it becomes necessary to commute commodities into money or money into commodities, such commutation shall be made in accordance with such rates as may be fixed and such rules as may be passed by Our Government."

Amendment of Section 9.

4. In the said Regulation, in Section 9, after the word "Government" the following words shall be inserted, "for arrears of tax."

STATEMENT OF OBJECTS AND REASONS.

The Travancore Jenmi and Kudiyan Law, as recently amended, has been found in the actual working, to require some amendments. Hence this Bill is proposed.

NOTES ON CLAUSES.

Clause 2. It has been found that in respect of some jenmam lands a settlement pattam has not actually been fixed at the last General Revenue Settlement. To meet such cases, this Clause is proposed.

Clause 3. The provision for jenmikaram in respect of *cherikkal* lands, as it now finds a place in the Regulation, was introduced at the instance of the jenmies; and it was expected that this differential provision in regard to *cherikkal* lands would yield a larger amount as the jenmikaram than the provision in regard to the ordinary jenmam lands. But, in the actual working, it has been found that, in many cases, the jenmikaram in regard to the *cherikkal* lands, worked out in accordance with the rule now laid down, results in zero, or a *minus* quantity. To remedy this defect, this Clause is proposed.

Clause 4. As Section 9 of the Regulation stands now, all the Government claims have priority over the jenmikaram. In order to restrict this priority to the land-tax alone, this Clause is proposed.

Annexure VI.

A BILL TO AMEND THE TRAVANCORE REGISTRATION REGULATION, 1087.

Preamble.

Whereas it is expedient to amend the Travancore Registration Regulation, 1087, (Regulation II of 1087 as amended by Regulations II of 1098 and I of 1106), for the purpose hereinafter appearing; it is hereby enacted as follows :—

Short title. Commencement.

1. (1) This Regulation may be called "The Travancore Registration (Amendment) Regulation, 1110."

(2) It shall come into force at once.

Amendment of Section 15.

2. In Section 15 of the Travancore Registration Regulation, 1087, (Regulation II of 1087 as amended by Regulations II of 1098 and I of 1106), the following shall be added at the end, namely :—

"and when any Civil Court shall at any stage of its proceedings make an order for the attachment, or for the raising of an attachment, of any immovable property situate in any part of Travancore or an order operating in effect as an attachment, or as the raising of an attachment, of any such property, the Court shall likewise cause a memorandum of the said order to be sent to the Sub-Registrar or to every Sub-Registrar within whose Sub-District the whole or any portion of the property is situate, and such memorandum shall as far as may be practicable describe the property in the manner required by Section 14 and the memorandum so received shall be filed in Book 1."

STATEMENT OF OBJECTS AND REASONS.

Section 15 of the Travancore Registration Regulation, 1087, though it provides for the registration of a memorandum of a decree or order of Court creating, declaring, transferring, limiting or extinguishing any right, title or interest in immovable property, does not provide for a similar registration in the case of attachments of immovable property. To rectify this omission, this Bill is proposed.

Annexure VII.

THE TRIVANDRUM CITY MUNICIPAL BILL.

A Regulation to make provision for the better management of the municipal affairs of the City of Trivandrum.

Preamble. WHEREAS it is expendient to make provision for the better management of the municipal affairs of the City of Trivandrum ; It is hereby enacted as follows :—

PART I.

CHAPTER I—PRELIMINARY.

Title and extent. **1.** (1) This Regulation may be called the Trivandrum City Municipal Regulation.

(2) Except as hereinafter expressly provided it extends only to the City of Trivandrum.

Repeal. **2.** The Travancore Municipal Regulation, V of 1095, is hereby repealed.

Definitions. **3.** In this Regulation unless there is anything repugnant in the subject or context—

"Appoint." (1) "Appoint" includes to appoint temporarily or in an officiating capacity.

"Appointment." (2) "Appointment" includes temporary and officiating appointments.

"Budget grant." (3) "Budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the Council.

"Building." (4) "Building" includes a house, out house stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

"Building line." (5) "Building line" means a line which is in rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend.

"Carriage." (6) "Carriage" includes any wheeled vehicle with springs or other appliances acting as springs ; and any kind of motor car, motor lorry, motor omnibus, motor cycle, bicycle, tricycle and rickshaw.

"Cart."

(7) "Cart" includes any wheeled vehicle which is not a "carriage."

"Casual vacancy" and "casual election."

(8) "Casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a divisional councillor or in any other elective office, and "Casual election" means an election held on the occurrence of a casual vacancy.

"City of Trivandrum."

(9) "City of Trivandrum" or "City" means the area declared by Our Government by notification in Our Government Gazette, to be the City of Trivandrum.

"Company."

(10) "Company" means a company as defined in the Travancore Companies Regulation, 1092, and includes any firm or association carrying on business in Travancore whether incorporated or not and whether its principal place of business is situated in Travancore or not.

"Council."

(11) "The Council" means the Council of the Municipality of the City of Trivandrum.

"Dangerous disease.

(12) "Dangerous disease" means—

(a) cholera, plague, small-pox, tuberculosis, diphtheria, enteric fever, typhoid fever and measles, and

(b) any other disease notified under Section 322.

"Filth."

(13) "Filth" includes sewage, nightsoil, dung, dirt, putrid and putrefying substances and all offensive matter.

"Hut."

(14) "Hut,' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the Council may declare to be a hut for the purposes of this Regulation.

"Latrine."

(15) "Latrine" includss privy, water-closet and urinal,

"Municipality."

(16) "The Municipality" means the Municipality of the City of Trivandrum.

"Municipal office."

(17) "Municipal office" means the principal office of the Municipality."

"Occupier"

(18) "Occupier" includes any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used.

(19 "Ordinary election" means an election held to fill a vacancy in the office of divisional councillor or in any other elective office arising by efflux of time.

"Ordinary election."

(20) "Owner" includes (a) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property, in connection with which the word is used, (b) the person for the time being in charge of the animal or vehicle, in connection with which the word is used.

"Owner."

(21) "Prescribed" means prescribed by Our Government by rules made under this Regulation.

"Prescribed."

(22) "Private street" means any street, road, square, court, alley, passage or riding path which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

"Private street."

(23) "Public street" means any street, road, square, court, alley passage or riding path whether a thoroughfare or not, over which the public have a right of way, and includes—

"Public Street."

(a) the road-way over any public bridge or causeway,

(b) the foot-way attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, varanda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Our Government.

"Reconstruction." (24) "Reconstruction" of a building includes—

(a) re-erection, wholly or partially, of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not;

(b) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey;

(c) the conversion into a dwelling-house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion

into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling house into a factory;

(d) re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be.

"Residence," "Reside." (25) A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return thereto at any time and has not abandoned his intention of returning.

"Rubbish." (26) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth."

"Salary." (27) "Salary" means pay and acting pay, or payment by way of commission and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses.

"Street alignment." (28) "Street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land.

"Year." (29) "Year" means the financial year.

PART II.

CONSTITUTION AND GOVERNMENT OF THE MUNICIPALITY.

Chapter II—The Municipal Authorities.

Composition of the Municipality.

Enumeration of authorities. 4. The Municipal authorities charged with carrying out the provisions of this Regulation are—

(a) the Council,
(b) Standing Committees of the Council, and
(c) the Commissioner.

Constitution of Council. 5. (1) The Council shall consist of thirty-two councillors elected or appointed as follows:—

(a) twenty-four elected divisional councillors and
(b) eight appointed by Our Government.

(2) The Council shall by name of the Municipality of Trivandrum be a body corporate, and have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of Standing Committees.

6. There shall be three Standing Committees dealing respectively with (1) taxation and finance, (2) works, and (3) health.

Definition of Commissioner.

7. The Commissioner shall be appointed by Our Government and shall not be a member of the Council.

THE SEVERAL AUTHORITIES.

The Commissioner.

Term of office of Commissioner.

8. (1) The Commissioner shall hold office for a renewable period of three years.

(2) Our Gouernment may at any time remove the Commissioner from office and shall do so if, at a special meeting of the Council called for the purpose, not less than twenty-four councillors vote for such removal.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the commissioner shall continue to hold office until his successor assumes charge of the office.

Powers of Commissioner.

9. Subject, whenever it is hereinafter expressly directed, to the sanction of the Council or the Standing Committee, as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the executive power for the purposes of carrying out the provisions of this Regulation shall be vested in the Commissioner, who shall also perform all the duties and exercise all the powers specifically imposed or conferred on him.

Custody of records.

10. The Commissioner shall be responsible for the custody of all the records of the Municipality including all papers and documents connected with the proceedings of the council, the Standing Committees and other committees, and shall arrange for the performance of such duties relative to the proceedings of the said bodies as they may respectively impose.

Extraordinary powers of Commissioner.

11. The Commissioner may, in cases of emergency, direct the execution of any work or the doing of any act which would ordinarily require the sanction of one of the other Municipal authorities and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing the work or of doing the act shall be paid from the Municipal fund :

Provided that he shall report forthwith the action taken under this Section and the reasons therefor to such other authority.

Duty of Commissioner.

12. The Commissioner shall be whole-time officer of the Municipality and shall not undertake any work unconnected with his office without the sanction of Our Government and the Municipality.

Salary of Commissioner.

13. The Commissioner shall be paid out of the Muncipal fund such salary and allowances as may from time to time be fixed by Our Government in consultation with the Council.

Leave of Commissioner.

14. (1) Leave may be granted to the Commissioner by Our Government.

(2) Whenever such leave is granted, Our Government shall appoint some person to officiate in his place.

Service Regulations of Commissioner.

15. (1) If the Commissioner is an officer in the service of Our Government, the Municipality shall contribute to his leave allowances and pension to the extent required by Our Government.

(2) If the Commissioner is not an officer in the service of Our Government, his leave and leave allowances, his superannuation or retirement, and his gratuity or pension shall be governed by rules framed by Our Government.

Delegation of Commissioner's ordinary powers.

16. The Commissioner may delegate to the holder of any Municipal office any of his ordinary powers, duties or functions except those conferred or imposed upon, or vested in him by the following provisions, namely, Sections 25 (3), 55, 56, 57, 58, 73 74, 79, 148, 163 (2), 171 (2) and (3), 172, 173, 176, 187, 210, 211, 249, 258, 264, 268, 275 276, 277, 281, 282, 283, 284, 286, 287, 293, 300, 302, 303, 213, 317, 318, 328, 371, 382, 389, Schedule II, Rule 4, Schedule III, Rules 12 and 13 ;

Provided that—

(*a*) such delegation shall be in writing and shall specify the name or official designation of the person to whom the delegation is made ;

(*b*) the Commissioner shall not without the previous sanction of Our Government delegate his power under Section 89 to make appointments ;

(*c*) the Commissioner shall not delegate to the holder of any office his power under Section 95 to fine, reduce, suspend, remove or dismiss any employee, or his power under Section 96 to grant leave of absence to any employee, unless such employee was appointed by the holder of such office by virtue of a delegation of the Commissioner's powers of appointment ; and

(d) when the Commissioner delegates under this Section any power or duty which is exercisable or is required to be performed subject to the approval of any other Municipal authority, the Commissioner shall send a copy of the order of delegation to such authority.

Reservation of control in respect of powers delegated.

17. The exercise or discharge by a Municipal officer of any powers, duties or functions delegated to him under Section 16 shall be subject to such restrictions, limitations and conditions (if any) as may be laid down by the Commissioner and shall also be subject to his control and revision.

Delegation of Commissioner's extraordinary powers.

18. The Commissioner may on his own responsibility and by an order in writing authorise the health officer or the engineer or the revenue officer or any person in temporary charge of the duties of the health officer, engineer or revenue officer to exercise the extraordinary powers conferred on him by Section 11.

The Standing Committees.

Election of Standing Committees.

19. (1) Each Standing Committee shall consist of five members elected by the Council from its own number; Provided that no councillor shall be a member of more than two Standing Committees at the same time.

(2) A Councillor elected to be a member of a Standing Committee shall hold office as such, unless he sooner resigns the same, till his term of office as councillor is in any manner determined,

(3) When a vaccancy occurs in a standing Committee the Council shall fill up the vaccancy as soon as may be by the election of another cruncillor.

Functions of Standing Committees

20. (1) The Council shall by regulations framed for the purpose determine the powers and duties of each Standing Committee and may by such regulations provide for a conference of two or more Standing Committees or for the appointment out of such Committees of a joint committee for any purpose in respect of which they may be jointly interested.

(2) The "taxation and finance" Standing Committee in addition to the powers and duties assigned to it under such regulations—

(*a*) shall supervise the utilisation of the budget grants;

(*b*) shall have access to the accounts of the Municipality, and may require the Commissioner to furnish any explanation which

it considers to be necessary as to the receipts and expenditure of the Municipal fund ;

(c) may conduct a monthly audit of the Municipal accounts and shall be bound to check the monthly abstract of receipts and disbursements for the preceding month as furnished by the Commissioner ; and

(d) may write off such sums due to the Municipality as appear to the Committee to be irrecoverable.

Construction of references to Standing Committee.

21. Wherever in this Regulation the expression "the Standing Committee" occurs, it shall, unless the context otherwise requires, be deemed to refer to the particular Standing Committee to which the power or duty in connection with which the expression is used, is assigned by this Regulation or by regulations made by the Council ; and all references to the Standing Committee in any other law shall be construed as references to the particular Standing Committee to which the power or duty conferred or imposed by such law is assigned by regulations made by the Council.

Delegation of powers to Commissioner by Standing Committees.

22. (1) In any case in which it is provided by this Regulation or any other law that the Commissioner may take action subject to the approval, sanction, consent or concurrence of a Standing Committee, the Committee may, by resolution in writing, authorise him to take action in anticipation of its approval, sanction, consent or concurrence subject to such conditions (if say) as may be specified in such resolution.

(2) Whenever the Commissioner, in pursuance of such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of a Standing Committee, he shall forthwith inform the Committee of the fact.

The Council.

Functions of Council.

23. (1) Subject to the provisions of this Regulation the Municipal Government of the City shall vest in the Council, but the Council shall not be entitled to exercise functions expressly assigned by or under this Regulation or any other law to a Standing Committee or the Commissioner.

(2) If any doubt arises as to the Municipal authority to which any particular function pertains, the President shall refer the matter to Our Government whose decision shall be final.

(3) Without prejudice to the generality of sub-section (1) it shall be the duty of the Council to consider all periodial statements of receipts and disbursements and all progress reports and pass such resolutions thereon as it thinks fit.

Obligation laid on remaining Municipal authorities to carry out resolutions of Council.

24. The Standing Committees and the Commissioner shall be bound to give effect to every resolution of the Council unless such resolution is cancelled in whole or in part by Our Government.

Duties and powers of individual councillors.

25. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of Municipal work, to any waste of Municipal property, or to the wants of any locality, and may suggest any improvements which he considers desirable.

(2) Every councillor shall have the right to interpellate the President on matters connected with the Municipal administration subject to such regulations as may be framed by the Council.

(3) Every councillor shall have access during office hours to the records of the Municipality after giving due notice to the Commissioner, provided that the Commissioner may, for reasons given in writing, forbid such access. The Councillor may appeal against such order to the President whose decision shall be finall.

Requisitions by Council or a Standing Committee for commissioner's records.

26. (1) The Council or a Standing Committee may at time require the Commissioner—

(*a*) to produce any record, correspondence, plan or other documents which is in his possession, or under his control as Commissioner;

(*b*) to furnish any return, plan, estimate, statement, account or statistics connected with the Municipal administration;

(*c*) to furnish a report by himself for to obtain from any head of department subordinate to him and furnish with his own remarks thereon, a report upon any subject connected with the Municipal administration.

(2) The Commissioner shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the Municipality or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the Council or the Standing Committee, as the case may be, refer the question to the President whose decision shall be final.

Council's power to call for records of Committees.

27. The Council may at any time call for an extract from the proceedings of a Standing Committee or of any Committee for any return, statement, account, or report connected with any matter with which such Committee is empowered to deal; and every such requisition shall be complied with by the Standing Committee, or other Committee, as the case may be.

Provisions common to the Council and the Standing Committees.

Election of President and Chairman.

28. The Council shall at its first meeting after the first day of Medam in each year elect one of its number to be its President and each Standing Committee shall at its first meeting after that date in each year elect one of its number to be its Chairman:

Provided that it shall be competent for Our Government to declare by notification in Our Government Gazette, that the President shall be appointed by Our Government and likewise to withdraw the notification and so long as such notification is in force, the Council shall not proceed to elect a President and whenever a vacancy occurs in the office of President, Our Government shall appoint a President for the Council.

Term of office of President and Chairman.

29. The President or Chairman shall be entitled to hold office till the election or appointment of his successor, provided that in the meantime he does not cease to be a councillor.

On the occurrence of any vacancy in the office of President or Chairman, the Council or Standing Committee, as the case may be, shall at its next meeting elect a successor who shall be entitled to hold office so long as the person in whose place he is elected would have been entitled to hold it if the vacancy had not occurred.

Re-eligibility of President and Chairman.

30. An out-going President or Chairman is eligible for re-election.

Rules and regulations for proceedings of Council and Standing Committees.

31. The Council and the Standing Committees shall observe the procedure laid down in Schedule I and may make supplementary regulations not inconsistent therewith for the conduct of their respective proceedings, and also for the maintenance of order at their meetings.

Presidency of Council and standing Committees.

32. (1) The President shall preside at meetings of the Council and in his absence a Councillor shall be chosen by the meeting to preside for the occasion.

(2) The Chairman of each Standing Committee shall preside at meetings of that body, and in his absence a member shall be chosen by the meeting to preside for the occasion.

(3) The President or the Chairman, as the case may be, shall preserve order and shall decide all points of order and procedure

arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President or Chairman thereon shall save as is otherwise expressly provided in this Regulation, be final.

(4) The councillor presiding at a meeting of the Council and the member presiding at a meeting of a Standing Committee shall for that meeting have all the powers and be subject to all the obligations of the President or Chairman, as the case may be.

Commissioner's right to attend and take part in discussion but not to move resolution or to vote.

33. (1) The Commissioner shall have the right to attend the meetings of the Council and of any Standing Committee and to take part in the discussion but shall not have the right to move any resolution or to vote.

(2) He shall attend any meeting of the Council or of a Standing Committee if required to do so by the President.

Councillors to abstain from taking part in discussion and voting on questions in which they are pecuniarily interested.

34. (1) No Councillor shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Council or of any Standing Committee or any Committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

(2) The President or Chairman may prohibit any Councillor from voting on or taking part in the discussion of any matter in which the councillor is believed to have such interest, or he may require the councillor to absent himself during the discussion.

(3) Such councillor may challenge the decision of the President or Chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the President or Chairman is believed by any councillor present at the meeting to have any such interest in any matter under discussion, he may, on the motion of such councillor if carried, be required to absent himself from the meeting during the discussion.

Power to resign.

35. (1) Any councillor other than the President may resign his office by giving notice to the President ; the President may resign by giving notice to the Council.

(2) Any member of a Standing Committee other than the Chairman may resign by giving notice to the Chairman of the Standing Committee ; the Chairman may resign by giving notice to the President.

Saving of validity of proceedings.

36. (1) No act done, or proceeding taken under this Regulation shall be questioned merely on the ground,

(a) of any vacancy or defect in the constitution of the Council; or of any Standing Committee, or

(b) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

(2) Every meeting of the Council, or of a Standing Committee, the minutes of the proceedings at which have been signed as laid down in Schedule I, shall be deemed to have been duly convened and to be free from all defects and irregularity.

The President of the Council.

Prerogative of the President.

37. The President shall have full access to all the records of the Municipality and no official correspondence between the Municipality and Our Government shall be conducted except through the President. The President shall be bound to transmit communications addressed through him by the Commissioner to Our Government or by Our Government to the Commissioner.

President to be member of all Committees.

38. The President shall by virtue of his office be a member of every Standing or other Committees.

Administration Report.

Submission of administration report to Government.

39. (1) As soon as may be after the first day of Chingam in every year and not later than such date as may be fixed by Our Government, the Municipality shall submit to Our Government a detailed report of the administration during the preceding year in such form as Our Government may direct.

(2) The Commissioner shall prepare such report and the Council shall consider the report and forward the same to Our Government with their resolutions thereon, if any.

(3) Copies of the administration report shall be kept for sale at the Municipal Office.

Powers of Government.

Government's power to call for records

40. Our Government may at any time require the Council or the Commissioner—

(a) to produce any record, correspondence, plan, or other document;

(b) to furnish any return, plan, estimate, statement, account or statistics; and

(c) to furnish or obtain any report,

41. (1) Our Government may, from time to time, appoint such officers as may be required for the purpose of inspecting or superintending the operations of the Municipality and also such secretaries, clerks and other servants as may be necessary for the exercise of their powers and duties and assign to them such salaries, if any, as Our Government shall think reasonable and the expenses incurred by reason of such appointments shall be defrayed out of the funds of the Municipality.

Appointment of officers to superintend operations of the Municipality

(2) Our Government may also depute any officer to inspect or examine any Municipal department, office, service, work or thing and to report thereon and any officer so deputed may, for the purposes of such inspection or examination, exercise all the powers conferred by Section 40.

Government's power to cause inspection to be made.

42. If, on receipt of any information or report obtained under Section 40 or 41, Our Government are of opinion—

Government's power to direct the taking of action.

(a) that any duty imposed on any Municipal authority by or under this Regulation has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty, Our Government may, by an order, direct the Council or the Commissioner within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duty or to make financial provision to their satisfaction for the performance of the duty, as the case may be :

Provided that, unless in the opinion of Our Government, the immediate execution of such order is necessary, Our Government shall, before making an order under this Section, give the Council an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default at expense of Municipality.

43. (1) If, within the period fixed by an order issued under Section 42, any action directed under that Section has not been duly taken, Our Government may by order—

(a) appoint some person to take the action so directed,

(b) fix the remuneration to be paid to him, and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal fund, and if necessary, that any one or more of the taxes authorised by Part III of this Regulation shall be levied or increased, but not so as to exceed any maximum prescribed by that Part.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any Municipal authority by or under this Regulation and specified in this behalf in the order issued under sub section (1), and shall be entitled to protection under this Regulation as if he were a Municipal authority.

(3) Our Government may, in addition to, or instend of, directing the levy or increase of any of the said taxes, direct by notification that any sum of money which may in their opinion be required for giving effect to their orders be borrowed by debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of Sections 136 to 147 shall, as far as may be, apply to any loan raised in pursuance of this Section.

Submission of copies of proceedings, resolutions and bye-laws to Government; Government's power to cancel resolutions and bye-laws.

44. (1) The President shall submit to Our Government copies of all resolutions and all bye-laws.

(2) Our Government may, at any time by notification—

(*a*) cancel any resolution in whole or in part on the ground that it is in excess of the powers conferred by this Regulation or by any rules made under this Regulation; or

(*b*) repeal wholly or in part or modify any bye-law:

Provided that before taking any action under this sub-section Our Government shall communicate to the Council the grounds on which they propose to do so, fix a reasonable period for the Council to show cause against the proposal and consider its explanation and objections, if any.

(3) The repeal or modification of any bye-law shall take effect from the date of publication of the notification, if no date is therein specified, and shall not effect anything done, ommitted or suffered before such date.

Chapter III.—Election and Appointment of Councillors.

Qualifications and Disqualifications of Voters, Canaidates and Councillors.

Twenty-four electoral divisions.

45. For the purposes of the election of divisional councillors, the City shall be divided into twenty-four divisions, the boundaries of which shall be notified by Our Government.

Election of one councillor for each division.

46. One divisional councillor shall be elected by ballot for each division of the City.

Publication of electoral roll.

47. (1) The Commissioner shall annually prepare and publish an electoral roll showing the names of persons qualified to vote, divided into separate lists for each division, provided that the electoral roll published in any year shall remain in force till the publication of a fresh electoral roll.

(2) No person whose name does not appear in the electoral roll as qualified to vote shall vote at an election.

General qualifications to vote.

48. No person shall be included in the electral roll as qualified to vote unless—

(*a*) he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published ; and

(*b*) he has paid the taxes, if any, due by him under this Regulation for such preceding year.

Personal qualification to vote.

49. (1) No person shall be included in the electoral roll as qualified to vote at the election for a division unless he has resided in such division for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published, and has paid in such preceding year any tax mentioned in clause (*a*), (*b*) or (*c*) of Section 97.

Explanation. 1.—A person shall be deemed to have made the payment required by clause (*a*) if he has paid the tax as sole mortgagee, tenant or guardinan.

Explanation. 2.—For the purposes of this sub-section, no person shall be deemed to reside in more than one division.

(2) Any company or association which for the year preceding that in which the electoral roll is published has paid the tax mentioned in clause (*a*) of sub-section (1), shall be entitled to one vote in the division in which the principal office of such company or association is situated, such vote being given by the secretary of the company or association or some other person duly authorised in that behalf.

Disqualification of voters.

50. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote during the period for which he has been declared to be disqualified by a judicial order passed under Section 71, and still in force.

Qualification of candidates.

51. No person shall be qualified for election as a councillor unless the name of such person appears on the electoral roll of any one division of the City.

52. (1) A person shall be disqualified for election or appointment as a councillor if such person—

Disqualification of candidates.

(*a*) has been at any time sentenced by any court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of election or appointment—

(i) of unsound mind, a deaf-mute or a leper ;

(ii) an undischarged insolvent ;

(iii) interested in a subsisting contract made with, or any work being done for, the Municipality except as a share-holder (other than a director) in an incorporated company ;

(iv) an officer or servant holding office under this Regulation, a Magistrate, a District Munsiff, a District Judge or a High Court Judge ; or

(v) already a councillor whose term of office as such will not expire before his fresh election or appointment can take effect :

Provided that a person shall not be deemed to have any interest in such a contract or work as aforesaid by reason only of his having an interest in any agreement for the loan of money or any security for the payment of money only

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), Our Government may direct that such sentence shall not operate as a disqualification.

(3) No person shall be qualified for election or appointment during the period for which he has been declared to be disqualified by a judicial order passed under Section 71, and still in force.

Disqualification of councillors.

53- (1) Subject to the provisions of Section 54, a councillor shall cease to be a councillor if he

(*a*) is sentenced by a court as described in Section 52, sub-section (1), clause (*a*) ;

(*b*) becomes of unsound mind, a deaf-mute, or a leper ;

(*c*) applies to be adjudicated or is adjudecated an insolvent ;

(*d*) subject to the Proviso to Section 52, sub-section (1), acquires any interest in any contract made with or work being done or to be done for the Municipality except as a share-holder (other than a director) in an incorporated company ;

(*e*) is employed as paid legal practitioner on behalf of the Municipality or receives or be paid from the funds at the disposal of or under the control of the Council any salary or other remuneration for services rendered by him in any capacity whatsoever ;

(*f*) accepts employment as legal practitioner against the Municipality ;

(*g*) is appointed to any office or post referred to in Section 52, sub-section (1), clause (*b*), sub-clause (iv) ;

(*h*) is declared to be disqualified by a judicial order passed under section 71, and still in force ;

(*i*) ceases to reside in the city ; or

(*j*) fails for three consecutive months to attend the meetings of the Council.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), Our Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be councillor under clause (*a*) or clause (*h*) of sub-section (1), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of Our Government.

(4) In the case of a person who has ceased to be a councillor in consequence of failure to attend meetings, the matter shall be reported by the Commissioner at the next general meeting and the Council may at that meeting restore such person to office.

Decision of question of disqualification of councillors by the District Court, Trivandrum.

54. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor is disqualified under Section 52 or Section 53 and such person does not admit the allegation or whenever any councillor is himself in doubt whether or not he has become disqualified for office such councillor or any other Councillor may, and the Commissioner, at the request of the Council, shall apply to the District Court of Trivandrum.

(2) The said Court, after making such enquiry as it deems necessary, shall determine whether or not such person is disqualified under Section 52 or Section 53 and its decision shall be final.

(3) Pending such decision such person shall be deemed to be qualified.

General Rules for Election and Appointment.

Election of divisional councillors.

55. (1) The term of office of divisional councillors shall, save as otherwise expressly provided, be three years beginning and expiring at noon on the first day of Medam.

(2) Vacancies arising by efflux of time in the office of divisional councillor shall be filled, at ordinary elections, which shall be

fixed by the Commissioner to take place on such days in the months of Kumbham and Meenam next preceding the vacancies as he thinks fit.

(3) A casual vacancy in the office of divisional councillor shall be filled at a casual election which shall be fixed by the Commissioner to take place as soon as may be after the occurrence of the vacancy ;

Provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(4) A divisional councillor elected at a casual election shall enter upon office forthwith but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

Procedure on failure of election.

56. (1) If from any cause no councillor is elected at an ordinary election held under Section 55, the retiring councillor shall, if willing to serve, be deemed to have been re-elected.

(2) If, in any such case, the retiring councillor is not willing to serve, or if at a casual election no councillor is elected, the Commissioner shall without delay inform, the Council and thereupon the Council may appoint a qualified person to fill the vacancy, and if the Council fail within thirty days after receipt of such information to appoint a person as aforesaid, the Commissioner shall fix a day for a fresh election.

(3) The term of office of a councillor appointed, elected or deemed to have been re-elected under this Section shall expire at the time at which it would have expired if he had been elected at the ordinary or the casual election, as the case may be.

Election of same person for more than one division.

57. (1) If any person has been elected for more divisions than one, he shall within three days from the date of the last of such elections intimate to the Commissioner the division for which he chooses to serve.

(2) In default of such intimation the Commissioner shall notify the division for which such person shall serve.

(3) The said person shall be deemed to have been elected only for the division so chosen or so notified, as the case may be ; and the vacancies thereby arising in the representation of other divisions shall be filled by fresh elections.

Procedure in case of equality of votes.

58. If there is an equality of votes between two or more candidates, the Commissioner shall

after notice to all such candidates decide by drawing lots which candidate shall be deemed to have been elected.

Power of Government to make election rules.

59. (1) Our Government may make rules regarding the procedure with regard to divisional and other elections.

(2) Without prejudice to the generality of sub-section (1), such rules may—

(*a*) regulate the preparation, revision and publication of the electoral roll ; and

(*b*) provide for the adjudication by the District Court of Trivandrum of disputes relating to the electoral roll or arising out of elections.

Term of office of councillors other than divisional councillors.

60. Every councillor other than a divisional councillor shall, save as otherwise expressly provided, hold office for a term of three years from the date of Our Government Gazette wherein his appointment is notified.

Filling vacancy in office of councillor other than divisional councillor.

61. Whenever a vacancy occurs in the office of a councillor other than a divisional councillor a successor shall forthwith be appointed by Our Government.

Election Offences.

Offences in respect of electoral list.

62. (1) Every person who by claiming a qualification to vote or to be elected which he knows he does not possess or by using false documents or by a false declaration or by any other deceitful means procures the improper entry of any name in the electoral roll or the improper omission of any name therefrom shall be punished with imprisonment of either description which may extend to three months or with fine or with both.

(2) Every Municipal officer or servant or polling officer who wilfully makes or procures any improper entry in the electoral roll or any improper omission therefrom shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Bribery.

63. (1) Every person who with intent to procure in the interests of himself or any other person the vote of any voter or his abstention from voting or the withdrawal of a candidate—

(*a*) lends or agrees to lend, offers, promises or gives to any person any property, money, valuable security, public or private employment or any gratification whatever other than a benefit affecting the public in general, or

(*b*) offers, promises or gives to any person the means of obtaining an electoral qualification for himself or any other person, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every voter or candidate who accepts any such offer, promise or gift or contracts for or accepts a loan as a motive or reward for voting or abstaining from voting or for withdrawing his candidature shall be punished with the same punishment.

Explanation:—No agent, clerk, messenger or other person who may, in accordance with rules made by Our Government, be employed for remuneration by a candidate at an election shall by reason of such employment alone be deemed to be within this Section.

Undue influence.

64. Every person who—

(*a*) threatens any voter or candidate with injury to his person, reputation or property, or to the person or reputation of any one in whom he is interested with intent—

(i) to induce such voter to vote for any candidate or to abstain from voting, or

(ii) to induce such candidate to withdraw his candidature, or

(*b*) (i) commits wrongful restraint,

(ii) publishes statements which he knows to be false, and which materially affect a candidate or his election, or

(iii) employs any deceitful means, and thereby prevents the free exercise of the right of any voter or candidate,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Fraudulent voting and personation.

65. (1) Every person who applies for a ballot paper at an election, knowing that he is not qualified to vote thereat, shall be punished with imprisonment of either description which may extend to six months or with fine or with both. .

(2) Every person who applies for a ballot paper in the name of any other person living or dead, or a fictitious person, shall be punished with the same punishment.

Infringement of secrecy of election.

66. Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be

punished with imprisonment of either description which may extend to six months or with fine or with both.

Offences by polling officers.

67. Every polling officer who permits a person to vote knowing that such person is not entitled to vote, or who prevents a person from voting knowing that such person is entitled to vote, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Falsifying result of election.

68. Every person who in the course of electoral operations falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both.

Procedure before magistrate.

69. No magistrate shall take cognisance of any offence punishable under Sections 62 to 68 (both inclusive)—

(*a*) except on the complaint of a person whose name is on the electoral roll, and

(*b*) unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.

Appeal to the High Court.

70. An appeal shall lie to the High Court from any conviction and sentence passed under Sections 62 to 68.

Order of disqualification.

71. Every person convicted of an offence punishable under Sections 62 to 68 or under Chapter IX A of the Travancore Penal Code shall be disqualified from voting or from being elected in any election to which this Regulation applies or from holding the office of councillor for a period of five years from the date of his conviction or for such shorter period as the court may by order determine.

Chapter IV—General Powers of Municipal Authorities as to Property, Contracts and Establishment.

Property.

Limitation of power to accept property in trust.

72. The Council may accept trust relating exclusively to the furtherance of purposes to which the Municipal fund may be applied.

73. Subject to the provisions of Section 79, the Commissioner may, for the purposes of this Regulation, acquire on behalf of the Municipality movable or immovable property within or without the City or any interests in such property;

Acquisition of property and interests therein.

Provided that—

(*a*) the Commissioner shall be bound by any resolution of the Standing Committee fixing terms, rates or maximum prices for a particular case or for any class of cases;

(*b*) the sanction of the Standing Committee shall be required for the exchange of any immovable property, for the taking of any property on lease for a term exceeding twelve months, or for the acceptance of any gift or bequest of property burdened by an obligation; and

(*c*) the sanction of the Council shall be required—

(i) for the acceptance or acquisition of any immovable property if the value of the property which it is proposed to accept, acquire or give in exchange exceeds one thousand rupees; or

(ii) for the taking of any property on lease for a term exceeding three years; or

(iii) for the acceptance of any gift or bequest of property burdened by an obligation if the value of such property exceeds one thousand rupees.

74. (1) Subject to the provisions of Section 79, the Commissioner, may dispose by sale or exchange of any Municipal movable property the value of which does not exceed five hundred rupees in each instance, or grant for any term not exceeding twelve months a lease of any Municipal immovable property or a lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like;

Disposal of property and interests therein.

Provided that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the Standing Committee within fifteen days.

(2) With the sanction of the Standing Committee, the Commissioner may dispose by sale or exchange of any Municipal movable property the value of which does not exceed five thousand rupees in each instance, or grant for any term not exceeding three years a lease of any Municipal immovable property, or a lease or concession of any such right as aforesaid.

(3) With the sanction of the Council, the Commissioner may lease, sell or otherwise dispose of any Municipal property, movable or immovable.

(4) The sanction of the Standing Committee under sub-section (2) or that of the Council under sub-section (3) may be given either generally for any class of cases or specially for any particular case.

Procedure for acquisition of immovable property under the Land Acquisition Regulation.

75. Any immovable property which any Municipal authority is authorised by this Regulation to acquire may be acquired under the provisions of the Land Acquisition Regulation, XI of 1089, and on payment of the compensation awarded under the said Regulation in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the Municipality.

Contracts.

Power of council to determine whether works shall be executed by contract.

76. The Council may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

Power of the several authorities to sanction estimate.

77. (1) The Commissioner may sanction any estimate, the amount of which does not exceed five hundred rupees.

(2) When the amount of the estimate exceeds five hundred rupees but does not exceed two thousand rupees, the sanction of the Standing Committee shall be required.

Works costing more than 2,000.

78. (1) Where a project is framed for the execution of any work or series of works the entire estimated cost of which exceeds two thousand rupees,

(*a*) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the Standing Committee shall lay the same before the Council;

(*b*) the Council shall consider the report and may reject the project or may approve it either in its entirety or subject to modifications.

(2) (*a*) Where the Council approves the project and the entire estimated cost exceeds five thousand rupees, the report subject to any modifications as aforesaid, shall be submitted to Our Government.

(*b*) Our Government may reject the project or may sanction it either in its entirety or subject to modification.

(*c*) The work shall not be commenced until the project has been sanctioned by Our Government with or without modification.

(*d*) No material change in the project sanctioned as aforesaid shall be carried into effect without the sanction of Our Government.

79. (1) The Council may enter into and perform all such contracts as it may consider necessary or expedient for carrying into effect the provisions of this Regulation.

General provisions regarding contracts.

(2) With respect to the making of contracts under or for any purpose of this Regulation, the following provisions shall have effect namely—

(*a*) every contract shall be made on behalf of the Municipality by the Commissioner ;

(*b*) no contract for any purpose which, in accordance with any provision of this Regulation, the Commissioner may not carry out without the sanction of one of the other Municipal authorities shall be made by him unless such sanction has been given ;

(*c*) no contract involving an expenditure exceeding five hundred rupees and not exceeding two thousand rupees shall be made by the Commissioner unless it has been sanctioned by the Standing Committee ;

(*d*) no contract involving an expenditure exceeding two thousand rupees shall be made by the Commissioner unless it has been sanctioned by the Council ; and

(*e*) every contract made by the Commissioner involving an expenditure exceeding three hundred rupees and not exceeding five hundred rupees shall be reported to the Standing Committee within fifteen days after it has been made.

(3) The provisions of sub-section (2) shall apply to any variation of a contract involving an increase of more than ten percentum on the expenditure involved in the original contract.

80. (1) Every contract entered into by the Commissioner on behalf of the Municipality shall be entered into in such manner and form as would bind him if it were made on his own behalf, and may in like manner and form be varied or discharged :

Mode of making contracts.

Provided that—

(*a*) the common seal of the Municipality shall be affixed to every contract ; and

(*b*) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three hundred rupees shall be in writing and shall be sealed with the common seal of the Municipality and shall specify—

(i) the work to be done or the materials or goods to be supplied, as the case may be,

(ii) the price to be paid for such work, materials or goods, and

(iii) in the case of a contract for work, the time within which the work or specified portions thereof shall be completed.

(2) The common seal of the Municipality shall remain in the custody of the Commissioner and shall not be affixed to any contract or other instrument except in the presence of the Commissioner or of two members of the Standing Committee, and the Commissioner or the said two members shall sign the contract or instrument in token that the same was sealed in his or their presence.

(3) No contract executed otherwise than as provided in this Section shall be biding on the Municipality.

Invitation of tenders.

81. (1) At least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding three hundred rupees, the Commissioner shall give notice by advertisement inviting tenders for such contract:

Provided that the Standing Committee may, for reasons which shall be recorded in its proceedings, authorise the Commissioner to enter into a contract without inviting tenders.

(2) On receipt of the tenders made in pursuance of the notice given under sub-section (1), the Commissioner may, subject to the provisions of Section 79, accept any tender which appears to him, upon a view of all the circumstances, to be the most advantageous, but he shall not reject all the tenders without the sanction of the Standing Committee.

Saving of certain irregularties.

82. When work is given on contract at unit races and the number of units is not precisely determinable, the contract shall not be deemed to contravene the provisions of Section 79, Section 80 or Section 81 merely by reason of the fact that the pecuniary limits therein laid down are eventually exceeded.

Security for performance of contracts.

83. The Commissioner shall take sufficient security for the due performance of every contract into which he enters after a tender has been accepted, and may take security for the due performance of any other contract into which he enters under this Regulation.

Establishment.

The Health officer the engineer, and the revenue officer.

84. (1) The Council shall appoint a health officer, an engineer and a revenue officer, who shall be heads of departments working under the Commissioner:

Provided that—

(*a*) every such appointment shall be subject to confirmation by Our Government ; and

(*b*) the monthly salary and allowances of such officers shall be such as are fixed by Our Government from time to time after ascertainining the views of the Council.

(2) The said officers shall be whole-time officers of the Muncipality and shall not undertake any work unconnected with their respective offices without the sanction of the Municipality.

Special superior appointments.

85. The Council may appoint—

(*a*) special health officers for the purpose of making investigations and proposing preventive or remedial measures with reference to the occurence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous disease within the city ;

(*b*) special engineers, architects or experts in town improvement or town-planning for the purpose of preparing, executing or supervising any special scheme undertaken by the Muuicipality ;

(*c*) special revenue officers for the purpose of carrying out a periodical revision of assessment, introducing a new tax or discharging any extraordinary duty connected with the revenue administration of the Municipality :

Provided that—

(i) no such special office shall be created without the sanction of Our Government ;

(ii) the period of duration of any such office, the salary, the allowances and the conditions of service attaching thereto shall be fixed by the Council, subject to the sanction of Our Government, save as expressly laid down in Section 87, and shall not be varied without the like sanction ; and

(iii) every appointment to any such office shall be subject to confirmation by Our Government.

Time within which vacancy in superior appointment must be filed up.

86. (1) If a vacancy occurs in any office specified in Sections 84 and 85 or any new office is created under Section 85, the Council shall within three months appoint some person to hold such office.

(2) If Our Government refuse to confirm the appointment so made, the Council shall make a fresh appointment within thirty days from the receipt of the order refusing confirmation.

(3) In default of any appointment or fresh appointment being made in accordance with sub-section (1) or sub-section (2), as the case may be, Our Government may appoint a person to hold the office and such person shall be deemed to have been appointed by the Council.

(4) Pending an appointment under sub-section (1) or sub-section (2). the Council may appoint a person to hold the office temporarily and may assign to him such salary as it shall think fit:

Provided always that the salary so assigned shall not exceed the maximum fixed by Our Government under Section 84 or fixed with the sanction of Our Government under Section 85 in respect of the office.

Removal and leave pensionary and leave contributions of superior officers.

87. (1) Any officer appointed under Section 84, Section 85 or sub-section (3) of Section 86 may be removed from office by Our Government and shall be so removed if his removal is recommended by a resolution of the Council passed at a special meeting called for the purpose and supported by the votes of not less than twenty-four councillors.

(2) Leave may be granted to any such officer by the commissioner for periods not exceeding one month and by the Council for longer periods.

(3) If any such officer is an officer in the service of Our Government, the Municipality shall contribute to his leave allowances and pension to the extent required by the rules of Our Government for the time being in force with respect to such officers.

(4) If any such officer is not an officer in the service of Our Government, his leave and leave allowances, his superannuation or retirement, his gratuity or pension, and the proportions of his pensionary contribution payable respectively from his salary and from the Municipal fund shall be governed by rules made by Our Government:

Provided that—

(*a*) the amount of any such leave and leave allowances gratuity or pension shall in no case without the special sanction of Our Government exceed what would be admissible in the case of Government servants of similar standing and status; and

(*b*) the conditions under which such allowances are granted, or any leave, superannuation or retirement is sanctioned, shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power of Government to appoint special health officers.

88. In the event of the occurrence of any unusual mortality or the prevalence or apprehended outbreak of any dangerous diseases within the City, Our Government, if they consider immediate action necessary, may of their own motion appoint a special health officer wholly or partly at the expense of the Municipal fund:

Provided that—

(*a*) the duration of the special office shall not exceed six months ; and

(*b*) the Municipality shall not be bound to pay more than a moiety of the salaries and allowances fixed by Our Government for such officer.

89. Subject to the provisions of Sections 84, 85, 86 and 88, appointments to the Municipal establishment shall be made—

Appointments to Municipal establishment.

(*a*) by the President, if the maximum monthly salary of the office exceeds one hundred rupees ;

(*b*) by the Commissioner in all other cases.

90. (1) The Commissioner shall, from time to time, lay before the Standing Committee a schedule setting forth the designations and grades of the officers and servants who should in his opinion constitute the Municipal establishment, and embodying his proposals with regard to the salaries, fees allowances payable to them.

Establishment schedule.

(2) The Standing Committee may either approve or amend such schedule as it thinks fit and shall lay it before the Council with its remarks, if any.

(3) The Council shall sanction such schedule with or without modifications as it thinks fit and may from time to time amend it at the instance of the Commissioner and Standing Committee :

Provided that no new office shall be created without the sanction of Our Government if the maximum monthly salary exceeds fifty rupees.

91. No officer or servant shall be entertained on the Municipal establishment unless he has been appointed under Section 84, Section 85, Section 86 or Section 88 or unless his office and emoluments are included in the schedule sanctioned under Section 90.

Restriction of employment of establishment.

92. Subject to the provisions of this Regulation and to the byelaws and regulations for the time being in force, the Commissioner shall prescribe the duties of the Municipal establishment and exercise supervision and control over their acts and proceedings and dispose of all questions relating to their conduct, service, pay, allowances, leave, pension and provident fund privileges.

Commissioner controls Municipal establishment.

93. If an officer or servant serving or having served under the Municipality is or has been transferred from or to the service of Our Government, or is employed partly by Our Government and partly by the Municipality the Municipality shall contribute to his pension and leave allowances to the extent required by the rules made by Our Government in this behalf and for the time being in force.

Contributions in respect of Government servants.

94. Subject to the provisions of Sections 85, 87 and 93, the Standing Committee may frame regulations in respect of the Municipal establishment—

Power of standing committee to frame service regulations.

(*a*) fixing the amount and nature of security to be furnished;

(*b*) prescribing educational or other qualifications ;

(*c*) regulating the grant of leave, leave allowances and acting allowances ;

(*d*) regulating the grant of pensions and gratuities :

(*e*) establishing and maintaining provident funds and making contribution thereto compulsory ;

(*f*) regulating conduct ; and

(*g*) generally prescribing conditions of service :

Provided that every regulation so framed shall be subject to confirmation by the Council, and that every regulation framed under clause (*d*) or clause (*e*) shall also require the sanction of Our Government.

Provided also (i) that the amount of any leave and leave allowances, gratuity or pension granted under these regulations shall in no case without the special sanction of Our Government exceed what would be admissible in the case of Government servants of similar standing and status, and (ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

95. (1) Any officer or servant other than an officer appointed under Section 84, Section 85, or sub-section (3) of Section 86 may be fined, reduced, suspended, removed or dismissed by the authority competent to appoint him ; and the order of such authority shall be final:

Power to punish establishment.

Provided that any officer or servant in receipt of a salary of not less than fifty rupees may appeal to the President against any order of the Commissioner removing or dismissing him or suspending him for a period of more than three months.

(2) Pending any order of the President the Commissioner may suspend any officer appointed by the President:

Provided always that he shall forthwith report to the President the reasons for his action.

Power to grant leave to establishment.

96 Save as provided in Section 87, leave may be granted to the Municipal establishment by the Commissioner.

PART III.

TAXATION AND FINANCE.

CHAPTER V—TAXATION.

Enumeration of Taxes.

Enumeration of taxes, duties and tolls.

97. The Municipality may levy—

(*a*) a property tax,
(*b*) a tax on companies,
(*c*) a profession tax,
(*d*) a tax on carriages and animals,
(*e*) a tax on carts, and
(*f*) tolls on vehicles and animals entering the city.

The Property Tax.

The consolidated property tax.

98. (1) The property tax, which shall be levied at a consolidated rate on all buildings and lands within the City, save those exempted by or under this Regulation or any other law for the time being in force, shall comprise—

(*a*) a water and drainage tax for the purpose of defraying the expenses connected with the water and drainage system;

(*b*) a lighting tax for the purpose of defraying the expenses connected with the lighting of the city;

(*c*) a tax on buildings and lands; and

(*d*) a general sanitary tax.

(2) Subject to the provisions of Section 101, the taxes described in sub section (1) shall be levied at rates fixed at percentages of the annual value of lands and buildings, such rates being determined by the Council:

Provided that such rates shall not be below the percentages mentioned hereunder, namely:—

for water and drainage tax, five per cent. of the annual value;

for lighting tax, one per cent. of the annual value;

for building and land tax, three per cent. of the annual value; and

for general sanitary tax, one per cent. of the annual value.

(3) for the purpose of assessing the property tax the annual value of any building or land shall be determined by the Commissioner.

Method of assessment of property tax.

99. (1) Every building shall be assessed together with its site and other adjacent premises occupied as appurtenances thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year, less a deduction of ten per centum of such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever:

Provided that—

(*a*) in the case of—

(i) any Government building, or

(ii) any building of a class not ordinarily let,

the gross annual rent of which cannot, in the opinion of the Council be estimated, the annual value of the premises shall be deemed to be six per centum of the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciations a reasonable amount which shall in no case be less than ten per centum of such cost; and

(*b*) machinery and furniture shall be excluded from valuations under this Section.

General exemptions.

100. The following buildings and lands shall be exempt from the property tax:—

(*a*) buildings set apart for public worship and either actually so used or used for no other purpose;

(*b*) buildings and lands declared by Our Government to be palaces or palace grounds;

(*c*) hospitals;

(*d*) burial and burning grounds included in the list published by the Commissioner under Section 315 (3) of this Regulation;

(*e*) all such property of Our Government not being buildings as may from time to time be notified by Our Government with the consent of the Municipality; and

(*f*) any building or land the annual value whereof is less than twelve rupees and the owner whereof has no other building or land assessed to the property tax.

Special exemption and alternative base of property tax.

101. The Council shall levy the property tax at a uniform rate:

Provided that—

(a) the Council may, with the sanction of Our Government, exempt any local area from the whole or a proportion of the water and drainage tax or of the lighting tax on the ground that such areas are not deriving benefit from the water-supply or drainage or from the lighting system and

(b) the Council may, with the sanction of Our Government exempt either by bye-laws or by a general resolution any building or land from the property tax.

Property tax, a first charge on property and movables.

102. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any due to Our Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Payment of property tax in half yearly instalments.

103. The property tax shall be paid by the owner of the assessed premises in two equal half-yearly instalments, each instalment being payable, save as otherwise expressly provided in Schedule II, within fifteen days after the commencement of the half-year to which it relates :

Provided that on default of payment by the owner, the tax may be recovered from the occupier of the assessed premises in the same manner as it may be recovered from the owner ; and

Provided further that for any sum paid by or recovered from the occupier under this Section, he shall be entitled to credit in account with the owner.

Vacancy remission.

104. (1) (a) When any building has been vacant for all the days in any half-year, the Commissioner shall, if the owner of such building or his agent has given notice, remit one-half of the tax due for such half-year.

(b) When any building has been vacant for not less than sixty consecutive days, but not for all the days in any half-year, the Commissioner shall, if the owner of such building or his agent has given notice, remit one-fourth of the tax due for such half year.

(2) Every such notice shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

Obligation of transferor and transferee to give notice of transfer.

105. (1) Whenever the title of any person primarily liable to the payment of the property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall

within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred as heir or otherwise shall give notice of such transfer to the Commissioner within one year from the death of the deceased.

(3) The notice to be given under this Section shall be in such form as the Commissioner may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the Commissioner any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the Commissioner shall continue liable for the payment of the property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the Municipal registers, but nothing in this Section shall be held to affect—

(*a*) the liability of the transferee for the payment of the said tax, or

(*b*) the prior claim of the Municipality under Section 102.

Owner's obligation to give notice of construction or reconstruction of building.

106. If any building is constructed or reconstructed, the owner shall give notice thereof to the Commissioner within fifteen days from the date of its completion or occupation whichever is earlier.

Owner's obligation to give notice of demolition of building and liability on failure.

107. (1) If any building is demolished, the owner shall give notice thereof to the Commissioner.

(2) Until such notice is given the said owner shall be liable, at the discretion of the Commissioner, for the payment of the property tax which would have been leviable had such building not been demolished

Commissioner's power to call for information and to enter upon premises.

108. (1) For the purpose of assessing the property tax, the commissioner may, by notice, call on the owner or occupier of any building or land to furnish him, within a week after the service of the notice, with returns of the rent payable for the building or land, the cost of erecting the building and the measurements of the land, and every owner or occupier

upon whom any such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

(2) For the purpose aforesaid the Commissioner may enter inspect, survey and measure any building or land, after giving twenty-four hours' notice to the owner or occupier.

Tax on Companies.

Taxation of companies trading for sixty days in half-year on their capital.

109. Every company transacting business within the City for profit or as a benefit society shall pay by way of licence fee in addition to any other licence fee that may be leviable under this Regulation a half-yearly tax on its paid-up capital on the scale shown in the Taxation Rules in Schedule II but in no case exceeding rupees five hundred, if and as soon as it has transacted business in the City for the period prescribed in Section 112.

Explanation.—Whenever a company has an office, agent or firm to represent it for the purpose of transacting business in the City, such company shall be deemed to transact business in the City and such office, agent or firm shall be liable for the tax in respect of the company's business, whether or not such office, agent or firm has power to make binding contracts on behalf of the company.

Profession Tax.

Licence tax on professions, arts, trades, callings and appointments.

110. (1) Every person not liable for the companies' tax who, within the City and for the period prescribed in Section 112, exercises a profession, art, trade or calling or holds any appointment, public or private, bringing him within one or more of the classes of persons specified in the Taxation Rules in Schedule II shall pay by way of licence fee and in addition to any other licence fee that may be leviable under this Regulation a tax as determined under the said rules but in no case exceeding rupees two hundred and fifty in the half-year; and such tax may be described as the profession tax.

Explanation. A person in receipt of a pension paid from any source shall be deemed to be a person holding an appointment within the meaning of this Section.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings and appointments exercised or held by him.

(3) No person who shall prove that he has paid the sum due on account of the profession tax levied under the Travancore Municipal Regulation, V of 1095, for the same half-year in any other

municipality in Travancore shall be liable by reason merely of change of business, appointment, residence or place of business to pay more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Regulation.

Liability of member of firm, association or undivided Hindu family for profession tax.

111. The profession tax leviable from a firm, association or undivided Hindu family may be levied from any adult member of that firm, association or family.

Provisions common to Companies and profession Tax.

Payment when due and notice to pay.

112. If for sixty days in the aggregate in any half-year any company transacts business or any person exercises a profession, art, trade or calling or holds any appointment rendering him liable to the profession tax, such company or other person shall become liable for the companies or profession tax, as the case may be, and if the tax due in respect of the half-year is not paid, the Commissioner shall cause a notice to be served on such person to pay it within fifteen days from the date of such service.

Requisition on owner or occupier to furnish list of persons liable to tax.

113. The Commissioner may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building or land and specifying the profession, art, trade or calling, or appointment of every such person and the rent, if any, paid by him.

Requisition on employers of their representatives to furnish list of persons liable to tax.

114. The Commissioner may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding house or club, or of a firm or company.

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding house or club, firm or company as officers, servants, *dubashes*, agents, suppliers or contractors with a statement of the salary or income of each of such employed persons ; and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on Carriages and Animals.

General provisions regarding tax on carriages and animals.

115. (1) The tax on carriages and animals shall be levied by half-yearly instalments on carriages and animals kept within the City which are of the kinds specified in Part III of Schedule II.

(2) The rates of the tax shall be determined by the Council, provided always that they shall not exceed the maxima laid down in Part III of Schedule II.

Liability to tax according to period for which carriage or animal has been kept.

116. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the City for an aggregate period of not less than sixty days in the half-year.

Provided that if such aggregate period exceeds fifteen days but is less than sixty days a moiety only of the half-yearly tax shall be leviable.

(2) Every person having possession, custody or control of any taxable carriage or animal within the city shall, until the contrary is shown, be presumed to have kept the same within the City for sixty days in the half-year.

(3) Notwithstanding anything contained in sub-section (1), no person shall be liable to taxation during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

Exception.

117. The carriage and animal tax shall not be levied on—

(*a*) carriages and animals belonging to Our Govrnment or declared by Our Government as belonging to the Palaces or the Residency ;

(*b*) carriages and animals belonging to the Council ;

(*c*) carriages and animals kept solely for sale by carriage-makers and dealers ;

(*d*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year ; and

(*e*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm or disused animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

Composition.

118. With the sanction of the Standing Committee or in accordance with regulations framed by that body, the Commissioner may compound, for any period not exceeding one year, with any livery stable-

keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Requisition on occupier to furnish statements of persons liable to tax.

119. (1) The Commissioner may by notice require the occupier of any premises to furnish him with a statement—

(a) showing the name and address of every person who has possession, custody or control of any carriage or animal which is kept in such premises and liable to the carriage and animal tax; and

(b) containing a description of every such carriage or animal.

(2) The occupier shall sign the statement and transmit it to the Municipal office within one week from the date of his receipt of the notice.

Grant of licence on payment of tax.

120. When any person pays the amount of tax due in respect of any carriage or animal the Commissioner shall grant him a licence to keep such carriage or animal for the period to which the payment relates.

Power to require numbers to be affixed to bicycles, etc

121. (1) The Commissioner may direct that a Municipal number shall be affixed—

(a) to every carriage let out for hire within the City, and

(b) to every bicycle and tricycle kept within the City:

Provided that no Municipal number shall be requisite in the case of crrriages to which the Travancore Motor Vehicles Regulation, VI of 1094, or the Hackney Carriage Regulation, VI of 1089, is applicable.

(2) The numbers affixed under sub section (1) shall be registered in the Municipal office.

Obligation of Commissioner of Police to satisfy himself of payment of Municipal tax on hackney carriage before registering it.

122. Before registering any hackney carriage under the Hackney Carriage Regulation, VI of 1089, the Commissioner of Police shall satisfy himself that the Municipality has received payment of the tax, if any, due under Section 115 on account of the last preceding half-year and the current half-year.

Tax on carts.

Registration of cart.

123. (1) Every owner of a cart kept or let out for hire within the city shall register it at the Municipal office once in each half-year.

Free for registration.

(2) Such tax not exceeding two rupees as the Standing Committee may fix shall be paid on each registration under sub-section (1) :

Provided that in the case of a cart on account of which tax has already been paid by a previous owner no further tax shall be payable in respect of a subsequent registration during the same half-year.

Affixing number on cart.

(3) The Commissioner may direct that a Municipal number shall be affixed to every registered cart.

Notification of days of registration.

(4) The Commissioner shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

Entry of registration in book.

(5) All registrations made and numbers affixed under this Section shall be entered in a book to be kept for the purpose at the Municipal office.

Inspection of register.

(6) Such book shall be open to the inspection of any tax-payer at all reasonable times without charge.

Exemptions.

124. Nothing in Section 123 shall apply to –

(*a*) carts or waggons or other such property of Our Government or the Municipality ; and

(*b*) carts kept solely for sale by cart-makers and dealers.

Power to remit tax on cart kept for less than fifteen days or not used.

125. The Commissioner may remit the whole or a portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept or let out for hire within the City for an aggregate period not exceeding fifteen days in the half-year or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Power to seize Carriages and Carts not bearing numbers.

Seizure of vehicles not bearing numbers.

126. If a Municipal number is not affixed to a carriage or cart in pursuance of a direction issued under Section 121 or Section 123, as the case may be, the Commissioner may at any time seize and detain the vehicle and the animal, if any, by which it is drawn ;

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

127. (1) If a vehicle or animal is detained under Section 126 and the owner or other person entitled thereto does not claim the same and pay the tax, if any, due thereon within ten days from the date of seizure, the Commissioner may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

Procedure after seizure.

(i) the tax, if any, due on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and

(iii) the charges incurred in connection with the seizure, detention and sale.

(2) If there is a surplus after such payment, the Commissioner shall, on demand made within six months from date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the Municipality.

(3) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the Commissioner may direct; and

(iii) the charges incurred in connection with the seizure and detention.

Tolls.

Levy of tolls.

128. The Municipality may levy tolls as specified in Part IV of Schedule II on any vehicle or animal entering the City:

Provided that no toll shall be levied on any vehicle or animal-

(*a*) licensed or registered by the Municipality, or

(*b*) belonging to Our Government, or the Municipality, or declared by Our Government as belonging to the Palace or the Residency, or

(*c*) exempted by a notification in Our Government Gazette.

Construction of toll-bars and collection of tolls.

129. The Commissioner may construct toll-bars and toll-stations and—

(*a*) may place the collection of the tolls under the management of such persons as he thinks fit, or

(*b*) may, subject to regulations, if any, made by the Standing Committee, farm them out on such terms and conditions as may be necessary with liberty to the farmer to exercise all or any of the powers conferred by or under this Regulation for the levy and collection of tolls, and

(c) may with the sanction of the Standing Committee or in accordance with regulations framed by that body, compound with any person living outside the City for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Regulation.

Procedure on non-payment of toll.

130. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect the toll may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due ; in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the Commissioner or to such person as may he have authorised to receive and sell such property and the Commissioner shall forthwith give public notice that after the expiry of two days, exclusive of Sunday, from the date of notice the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the Commissioner or other person authorised as aforesaid, the property seized shall be forthwith released.

(4) If no such tender is made, the property shall be sold and the proceeds of the sale applied to the payment of—

(i) the amount due on accouut of the toll,

(ii) such penalty not exceeding the amount of the toll as the Commissioner may direct, and

(iii) the charges incurred in connection with the seizure, detention and sale.

(5) If there is a surplus after such payment, the Commissioner shall, on demand made within six months from the date of sales make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the Municipality.

Attempts to evade payment of tolls.

131. No person shall with intent to evade payment of toll cause a vehicle or animal—

(a) to pass a toll station without stopping if he is required by the toll-keeper to stop ; or

(b) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

132. At every toll-station a table of the tolls leviable shall be put up legibly written or painted in English and in Malayalam in some conspicuous place near such toll-station.

Table of tolls.

CHAPTER VI—FINANCE.

The Municipal Fund.

133. All moneys received by the Municipality shall constitute a fund which shall be called the Municipal Fund and shall be applied and disposed of in accordance with the provisions of this Regulation.

Definition of Municipal Fund.

134. Our Government shall appoint auditors of the accounts of receipts and expenditure of the Municipal Fund. Such auditors shall be deemed to be 'public servants' within the meaning of Section 15 of the Travancore Penal Code.

Audit of accounts.

135. With regard to the deposit, investment and expenditure of the Municipal Fund and the audit of the Municipal accounts the rules in Schedul III shall be observed.

Financial Rules.

Loans.

136. (1) The Council may, in pursuance of any resolution passed at a special meeting, borrow by way of debenture or otherwise on the security of all or any of the taxes, duties, tolls, fees and dues authorised by or under this Regulation, any sums of money which may be required—

Power of Municipality to borrow money.

(*a*) for the construction of works, or

(*b*) for the acquisition of land, or

(*c*) to pay off any debt to Our Government, or

(*d*) to repay a loan previously raised under this Regulation or other Regulation previously in force :

Provided that—

(i) no loan shall be raised without the previous sanction of Our Government ; and

(ii) the rate of interest and the terms as to the time and method of repayment and the like shall be subject to the approval of Our Goverument.

(2) When any sum of money has been borrowed under sub-section (1),

(*a*) no portion thereof shall without the previous sanction of Our Government be applied to any purpose, other than that for which it was borrowed, and

(b) no portion of any sum of money borrowed under sub-section (1), clause (a), shall be applied to the payment of salaries or allowances to any Municipal Officers or servants other than those exclusively employed upon the works for the construction of which the money was borrowed.

Time for repayment of money borrowed under Section 136.

137. The time for the repayment of any money borrowed under Section 136 shall in no case exceed sixty years. and the time for repayment of any money borrowed for the purpose of discharging any previous loan shall not, except with the express sanction of Our Government, extend beyond the unexpired portion of the period ; or which such previous loan was sanctioned.

Limit of borrowing powers.

138. Notwithstanding anything hereinbefore contained the borrowing powers of the Municipality shall be limittd so thae the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter provided, and for interest and repayment of any sums borrowed otherwise shall, not except with the express sanction of Our Government, exceed twelve and a half per cent. of the annual value of buildings and lands as determined under Chapter V.,

Form and effect of debentures.

139. All debentures issued under this Chapter shall be in such form as the Council, with the previous sanction of Our Government, may determine, and shall be transferable in such manner as shall be therein expressed ; and the right to sue in respect of the moneys secured by any of such debentures shall vest in the holders thereof for the time being without any preference by reason of some such debentures being prior in date to others.

Payment of survivors of joint payees.

140. When any debenture or security issued under this Regulation is payable to two or more persons jointly, and either or any of them dies, the debenture or security shall be payable to the servivor or survivors of such persons :

Provided that nothing in this Section shall affect any claim by the representative of a deceased person against such survivor or survivors.

Receipt by joint holder for interest or dividend.

141. When two or more persons are joint holders of any debenture or security issued under this Regulation, any one of such persons may give an effectual receipt for any interest or dividend payable in respect of such debenture or security, unless notice to the contrary has been given to the Municipality by any other of such persons.

142. (1) The Municipality shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by half-yearly instalments into such sinking funds such sum as will be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

Maintenance and investment of sinking funds.

(2) All moneys paid into the sinking funds shall, as soon as possible, be invested under the orders of the Council in securities approved by Our Government and shall be invested in the joint names of the Chief Secretary to Our Government and the Account Officer to be held by them as trustees for the purpose of repaying at due date the debentures issued by the Municipality.

(3) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner laid down in sub-section (2).

(4) Any investment made under this Section may, subject to the provisions of sub-section (2), be varied or transposed.

143. The aforesaid trustees may apply a sinking fund or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created, and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Application of sinking fund.

Provided that when any loans or parts thereof have been consolidated under Section 145, the trusteees shall transfer to the sinking fuud of the consolidated loan so created such part of the sinking funds of the original loans as may be proportionate to the amount of the original loans incorporated in the consolidated loan.

144. (1) The aforesaid trustees shall, at the end of every year, submit to the Municipality a statement showing—

Annual statement by trustees.

(*a*) the amount which has been invested during the year under Section 142.

(*b*) the date of the last investment made previous to the submission of the statement.

(*c*) the agregate amount of the securities then in their hands, and

(*d*) the aggregate amount which has up to the date of the statement been applied under Section 143 in or towards discharging loans.

(2) Every such statement shall be laid before the Council and published.

145. (1) Notwithstanding anything to the contrary contained in this Chapter, the Municipality may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the 'Municipal consolidated loan' of the year ...) and invite the holders of Municipal debentures to exchange their debentures for scrip of such loan.

Power of Municipality to consolidate loans.

(2) The terms of any such consolidated loan and the form of its scrip and the rate at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of Our Government.

(3) The period for the extinction of any such consolidated loan shall not, without the sanction of Our Government, extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable.

(4) The Municipality shall provide for the repayment of any such consolidated loan by a sinking fund in the manner laid down in Section 142 having regard to the amount transferred to such sinking fund under Section 143.

146. All payments due from the Municipality for interest on and repayment of loans shall be made in priority to all other payments due from the Municipality.

Priority of payments for interest and repayment of loans over other payments

147. (1) If any money borrowed by the Municipality from Our Government, whether before or after the commencement of this Regulation, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, Our Government may attach the Municipal Fund or any part thereof.

Attachment of Municipal Fund for recovery of money borrowed from Government.

(2) After such attachment, no person except an officer appointed in this behalf by Our Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any Municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to Our Government.

Budget.

Estimates of income and expenditure to be prepared annually by the Commissioner.

148. The Commissioner shall, on or before the tenth day of Medam each year, prepare and submit to the Standing Committee a budget containing a detailed estimate of income and of expenditure for the ensuing year, and, if it is in his opinion necessary or expedient to vary taxation or to raise loans, shall submit his proposals in regard thereto.

Budget Estimate to be prepared by the Standing Committee.

149. (1) The Standing Committee shall, on or as soon as may be after the tenth day of Medam, consider the estimates and proposals of the Commissioner and, after having obtained from the Commissioner such further detailed information, if any, as it shall think fit to require, and having regard to all the requirements of this Regulation, shall frame therefrom, subject to such modifications and additions therein or thereto as it shall think fit, a budget estimate of the income and expenditure of the Municipality for the next year.

(2) In such budget estimate, the Standing Committee shall—

(*a*) provide for the payment, as they fall due, of all instalments of principal and interest for which the Municipality may be liable on account of loans ; and

(*b*) allow for a cash balance at the end of the year of not less than ten thousand rupees.

(3) The Commissioner shall cause the budget estimate, as finally approved by the Standing Committee, to be printed and shall, not later than the fifteenth day of Edavam, forward a printed copy thereof to each councillor.

Consideration of budget estimate by the council.

150. At a meeting of the Council which shall be called for some day in Mithunam, the budget estimate prepared by the Standing Committee shall be laid before the Council.

Procedure of Council.

151. The Council may refer the budget estimate back to the Standing Committee for further consideration and resubmission with in a specified time, or adopt the budget estimate or any revised budget estimate submitted to it, either as it stands, or subject to such alteration as it deems expedient :

Provided that the budget estimate finally adopted by the Council shall make adequate and suitable provision for each of the matters referred to in clauses (*a*) and (*b*) of Section 149, sub-section (2).

152. The Council shall finally pass the budget estimate before the beginning of the year to which it relates and forthwith submit a copy thereof to Our Government.

Obligation to pass budget before the beginning of the year.

153. The Council may, on the recommendation of the Standing Committee, from time to time during any year pass a supplemental budget estimate for the purpose of meeting any special or unforeseen requirement arising during that year, but not so that the estimated cash balance at the close of the year shall be reduced below ten thousand rupees.

Council may pass supplemental budget.

154. If any portion of a budget grant remains unexpended at the close of the year in the budget estimate for which such grant was included, and if the amount thereof has not been taken into account in the opening balance of the Municipal Fund entered in the budget estimate at the next following year, or in any intervening modification of the budget estimate, the Standing Committee may sanction the expenditure of such unexpended portion during the next following year for the completion, according to the original intention of sanction, of ths purpose or object for which the budget grant was made, but not for any other purpose or object.

Rule as to unexpended budget grants.

155. (1) The Standing Committee may, if it thinks necessary, at any time during the year—

Reduction or transfer of budget grants.

(*a*) reduce the amount of a budget grant ; or

(*b*) transfer and add the amount, or a portion of the amount, of one budget grant to the amount of any other budget grant :

Provided that—

(i) due regard shall be had, when making any such reduction or transfer, to all the requirements of this Regulation ;

(ii) the aggregate sum of the budget grants contained in the budget estimate adopted by the Council shall not be increased except by the Council under Section 153 ; and

(iii) every such reduction or transfer shall be brought to the notice of the Council at its next meeting.

(2) If any such reduction or transfer is of an amount exceeding one hundred rupees, the Council may pass with regard thereto such order as it thinks fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to the said order.

156. (1) If it shall at any time during any year apper to the Council, upon the representation of the Standing Committee, that, notwithstanding any reduction of budget grants that may have been made under Section 155, the income of the Mnnicipal Fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimate of the said year and to leave at the close of the year a cash balance of not less than ten thousand rupees, it shall be incumbent on the Council either to diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to all the requirements of this Regulation or to have recourse to supplementary taxation, or to adopt both of these expedients in such measure as may be necessary to secure an estimated cash balance of not less than ten thousand rupees at the close of the year.

Readjustment of income and expenditure to be made by the Municipality during the course of the official year whenever necessary.

(2) Whenever the Council determines to have recourse to supplementary taxation in any year, it shall do so by increasing for the unexpired portion of the year the rate at which any tax or duty is being levied, subject to the conditions, limitations and restrictions laid down in Chapter V.

PART IV

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Public Water-Supply.

157. All public reservoirs, tanks, cisterns, fountains, wells, pumps, pipes, taps, conduits, aqueducts and other works (not vested in Our Government) connected with the supply of water to the City whether made at the cost of the Municipality or otherwise, and all bridges, buildings, engines, works, materials, and other things connected therewith and all land (not being private property or property vested in Our Government) adjacent and appertaining to the same, shall vest in the Municipality.

Vesting of works in Municipslity.

158. Our Government, or the Municipality with the sanction of Our Government may, construct, lay, or erect filtering tanks, reservoirs, engines, conduits, pipes or other works within or without the limits of the City for

Constructin of water works.

for supplying it with water ; and may provide tanks, reservoirs, engines, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

159. (1) Our Government or the Municipality may provide a supply of drinking water within the City and may erect stand pipes, fountains or other convenience for the gratuitous supply of water.

Provision of gratuitous supply of drinking water.

(2) Any water supply system constructed by and vesting in Our Government may, on such terms as may be settled by Our Government and the Municipal Council, be handed over to the Municipal Council for its being worked out and so long as the arrangement lasts, the water supply shall for the purposes of this Chapter be deemed a Municipal water supply.

(3) Notwithstanding anything contained in sub-section (2), it shall be lawful for Our Government to work the Government water supply system through their own officers and in such cases an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Council shall be paid by the Countil to Our Government.

160. It shall not be lawful for any person except with permission duly obtained to enter on land vested in Our Government or the Municipality along which a conduit or pipe runs or on any premises connected with the water-supply.

Trespass on water-supply premises.

161. (1) Without the permission of the Commissioner no building, wall or other structure shall be newly erected and no street shall be constructed over any water mains.

Prohibition of building over water mains.

(2) If any building, wall or other structure be so erected or any street be so constructed, the Commissioner may, with the appraval of Our Government or the Standing Committee, cause the same to be removed or otherwise dealt with as to him shall appear fit and the expenses thereby incurred shall be paid by the persons offending.

Private Water-Supply.

162. All house-connections, whether within or without the premises to which they belong, with the water-supply mains shall subject to such rules as may be framed by Our Government from time to time be under the control of the Municipality, but shall be altered, repaired and kept in proper order, at the expense of the owner of the

Control over house-connections.

premises to which they belong, or for the use of which they were constructed, and in conformity with bye-laws made in that behalf,

Private water-supply for domestic consumption and use and powers of Commissioner to enforce provision of water supply.

163. (1) The Commissioner may on application by the owner or occupier of any building arrange, in accordance with the rules and bye-laws, to supply water thereto for domestic consumption and use :

Provided that the commissioner shall not without the sanction of the Standing Committee agree to supply water to any building assessed at an annual value of less than forty-eight rupees.

(2) Whenever it appears to the Commissioner that any dwelling-house assessed at an annual value of not less than forty-eight rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building the Commissioner may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the rules and bye-laws.

(3) It shall not be lawful for the owner of any dwelling house assessed at an annual value of not less than forty-eight rupees which may be constructed or reconstructed after the commencement of this Regulation to occupy it or cause or permit it to be occupied until he has obtained a certificate from the Commissioner that there is provided within or within a reasonable distance of the house such a supply of wholesome water as appears to the Commissioner to be sufficient for domestic consumption and use of the inmates of the house.

(4) The cost of making the connection and the cost or hire of meters shall be borne by the applicant and shall be recoverable in the same manner as the water and drainage tax.

(5) For all water supplied under this section, in excess of a maximum determined by rules and bye-laws, payment shall be made at such times and under such conditions as may be laid down in such rules and bye-laws and shall be recoverable in the same manner as the water and drainage tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths, tanks in or near temples, and churches and mosques or for any ornamental or mechanical purpose, and

(e) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire,

but shall be deemed to include a supply—

(i) for flushing latrines or drains,

(ii) for all baths other than swimming baths or public baths, and

(iii) for the consumption and use of inmates of hotels, boarding houses and residential clubs and for baths used by such inmates.

Private Water Supply for non-domestic purposes.

Commissioner's power to supply water for non-domestic purposes at rates fixed by Standing Committee.

164. (1) The Commissioner may, subject to such rules as may be framed by Our Government from time to time and with the sanction of the Standing Committee, supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such supply is required and the quality likely to be consumed.

(2) For all water supplied under sub-section (1), payment shall be made at such rates and on such conditions as may be laid down by such rules as may be framed by Our Government from time to time.

Cutting off Water-supply.

Power to cut off water supply.

165. (1) The Commissioner may cut off the supply of water from any premises—

(a) if the premises are unoccupied ;

(b) if any watar-tax or any sum due for water or for the cost of making a connection or the cost or hire of a meter or the cost of carrying out any work or test connected with the water supply which is chargeable to any person by or under this Regulation is not paid within thirty days after a bill for such tax or same has been presented ;

(c) if after receipt of a notice from the Commissioner requiring him to refrain from so doing the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Regulation ;

(d) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying water ;

(e) if the occupier refuses to admit the Commissioner into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connection with the water supply, or

prevents the Commissioner doing such work, placing or removing such apparatus or making such examination or inquiry;

(*f*) if any pipes, taps, works or fittings, connected with the water-supply are found on examination by the Commissioner to be out of repair to such an extent as to cause waste or contamination of water; and

(*g*) if the owner or occupier causes pipes, taps, works or fittings connected with the water supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (*b*) of sub-section (1), as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the Commissioner shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the water works.

(4) No action taken under this Section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of Municipality when supply reduced or not made in certain cases.

166. The Municipality shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water, in the case of unusual drought, other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

Provision of lighting public streets, etc.

167. (1) The Commissioner shall take measures for lighting in a suitable manner the public streets and public markets and all places of public resort vested in the Municipality by electricity, gas, oil, or such other illuminant as the Council may determine.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for our Government to provide any public street with a lighting system and either work it through their own officers or hand it over to the Council for being worked.

(3) If it is worked by our Government through their officers, an annual contribution of such amount as may be fixed by Our Government after ascertaining the views of the Council shall be paid by the Council to Our Government.

(4) If it is handed over to the Council, it shall be so done on such terms as may be settled by Our Government and the Council.

Public Drainage.

168. All public drains, pipes and drainage works existing at the time of the coming into operation of this Regulation or afterwards made at the cost of the Municipality or otherwise, and all works, materials and things appertaining thereto shall vest in the Municipality.

Vesting of drains in Municipality.

169. The Municipality shall, so far as the means at their disposal permit, provide and maintain a sufficient system of public drains throughout the City.

Maintenance of system of drainage by the Municipality.

Private Drainage.

170. All house-drains whether within or without the premises to which they belong, and all private latrines, and cess-pools within the City shall be under the control of the Municipality, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed and in conformity with bye-laws framed by the Council in this behalf.

Control over house-drains, privies and cess-pools.

171. (1) The Commissioner shall, on application by the owner or occupier of any premises or the owner of a private street, arrange, in accordance with the bye laws for the connection if practicable of the applicant's drain with a public drain at the applicant's expense.

Connection of house-drains with public drains.

(2) If there is a public drain or other place set apart by the Municipality for the discharge of drainage within a distance not exceeding one hundred feet of the nearest point on any premises, the Commissioner may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place and execute all such works as may be necessary in accordance with the bye-laws at such owner's expense.

(3) If any premises are in the opinion of the Commissioner without sufficient means of effectual drainage but no part thereof is situated within one hundred feet of a public drain or other place set apart by the Municipality for the discharge of drainage, the Commissioner may by notice direct the owner of the said premises to construct a closed cess-pool of such material, dimensions and description, in such position and at such level as he Commissioner thinks necessary and to construct a drain on drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the bye-laws.

(4) It shall not be lawful for the owner of any building constructed or reconstructed after the commencement of this Regulation to occupy it or cause or permit it to be occupied until he has obtained a certificate form the Commissioner that the said building is provided with such means of drainage as appear to the Commissioner to be sufficient.

Commissioner's power to drain premises in combination.

172. (1) When the Commissioner is of opinion that any group or block of premises any part of which is situate within one hundred feet of a public drain, alredy existing or about to be constructed may be drained more economically or advantageously in combination than separately, the Commissioner may, with the approval of the Standing Committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor and the expenses incurred by the Commissioner in so doing shall be paid by the owners in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this Section is commenced, the Commissioner shall give written notice to the owners of—

(*a*) the nature of the intended work,
(*b*) the estimated expenses thereof, and
(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or black drained under sub-section (1) shall be the joint owners or every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

Commissioner's power to close or limit the use of existing private drains.

173. (1) Where a drain connecting any premises with a public drain or other place set apart by the Municipality for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable but is not, in the opinion of the Commissioner, adapted to the general drainage system of the City, or of the part of the City in which such drain is situated, the Commissioner, with the approval of the Standing Committee, may—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destory the said drain and do any work necessary for that purpose ; or

(b) direct that such drain shall, from such date as he fixes in this behalf, be used for sewage only, or for water unpolluted with sewage only, and may construct at the cost of the Municipality an entirely distinct drain either for water unpolluted with sewage or for sewage.

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid and the expense of the construction of any drain so provided by the Commissioner and of any work done shall be paid by the Municipality.

Building, etc, not to be erected without permission over drains

174. (1) Without the permission of the Commissioner, no person shall place or construct any fence, building, culvert, pipe, drain, drain covering or other structure or any street, or cable over, under, in or across any public drain or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

(2) The Commissioner may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in Section 378.

Construction of culverts by owner or occupier.

175. (1) The Commissioner may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side channels or ditches at the entrances to the said building or land.

(2) Such culverts or drain coverings shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

Maintenance of troughs and pipes for catching water.

176. The owner or occupier of any building in a public street shall within fifteen days after receipt of notice in that behalf from the Commissioner, put up, and thenceforward maintain proper troughs and pipes for catching and carrying the wather from the roof and other parts of such building, and for discharging such water in such manner as the Commissioner may allow.

Public Latrines.

Provision of Public latrines.

177. The Municipality shall provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be kept clean and in proper order.

Private Latrines.

Provision of latrines by owner or occupier.

178. The Commissioner may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or about or occupying such building, and to keep it clean and in proper order ; and every owner or occupier of the ground on which any block of huts stands shall provide such latrines as the Commissioner may by notice require and within such time as may be fixed in the notice for the use of the inhabitants of such block of huts.

Provision of latrines and urinals for labourers.

179. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number as the Commissioner may by notice require, and within such time as may be fixed in the notice and shall keep the same clean and in proper order.

Provision of latrines and urinals for markets, cart-stands, and cattle stands.

180. The Commissioner may by notice require any owner or manager of a market, cart-stand, cattle-stand, choultry, theatre, dock, wharf or other place of public resort within such time as may be specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such a position as may be specified and to keep the same clean and in proper order.

Latrines to be screened from view.

181. All latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood.

General Powers.

Powers to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage

182. The Commissioner may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under or over any road, street or place laid out for a road or street and after giving reasonable notice to the owner or occupier through, across, under, over, or up the side of, any land or building in the City, and may place and maintain posts, standards, brackets or other contrivances to support cables, pipes, channels, wires and

lights on any pole or post in the City not owned by Our Government and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose for which it is intended to be used, or for removing the same :

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person ;

Provided further that the Commissioner shall, with the sanction of the Standing Committee, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connection without permission.

183. (1) No person shall, without the permission of the Commissioner, make any connection with any Municipal cable, wire, pipe, drain or channel or with the house-connection of any other person.

(2) The Commissioner may by notice require any connection made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require railway level, etc., to be raised or lowered.

184. The Municipality shall not conduct any pipe or drain or other work connected with the water supply or drainage of the City across a line of railway, without the previous sanction of Our Government and except in such manner and in conformity with such conditions as Our Government may lay down.

Powers of Municipality in respect of works outside the City.

185. (1) The Municipality shall not undertake new work beyond the limits of the City without the sanction of Our Government.

(2) The Municipality may, in the execution and for the purpose of any works beyond the limits of the City sanctioned by Our Government exercise all the powers which they may exercise within the City throughout the line of country through which conduits, channels, pipes, lines of posts and wires and the like run, and over any lake or reservoir from which a supply of water for the use of the City is derived, and over all lands at a distance not exceeding one thousand yards beyond the high-water level of any such lake or reservoir, and over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the City.

Chapter VIII—Scavenging.

186. The Commissioner shall provide or appoint, in proper and convenient situations, depots and places for the temporary deposit or final disposal of rubbish, filth and carcasses of dead animals.

Provision of places of deposit for rubbish and filth.

187. (1) The Commissioner may with the previous sanction of the Standing Committee by public notice direct that all rubbish and filth accumulating in any premises in any street or quarter of the City specified in the notice shall be collected by the owner or occupier of such premises, and deposited in a box or basket or other receptacle, of the kind specified in such notice, to be provided by such owner or occupier and kept at or near the premises.

Public notice ordering deposit of rubbish and filth by occupier.

(2) The Commissioner may by public notice direct that all rubbish and filth accumulating in any latrine not connected with a drain and in respect of which no contract under Section 189 has been entered into, shall be collected by the owner or occupier and deposited in Municipal carts.

(3) The Commissioner may cause public dust-bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situation in any street or quarter in respect of which no notice issued under sub-section (1) or sub-section (2) is for the time being in force, and may by public notice direct that all rubbish and filth accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the owner or occupier of such premises and deposited in such receptacle.

188. When any premises are used for carrying on any manufacture, trade or business or in any way so that rubbish or filth is accumulated in quantities which are, in the opinion of the Commissioner, too considerable to be deposited in any of the methods prescribed by a notice issued under Section 187, the Commissioner may—

Removal of rubbish and filth accumulating in large quantities on premises.

(*a*) by notice require the owner or occupier of such premises to collect all rubbish and filth accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes as may be specified in the notice, to a depot or place provided or appointed under Section 186; or

(*b*) after giving such owner or occupier notice of his intention, cause all rubbish and filth accumulated in such premises to be

removed, and charge the said owner or occupier for such removal such periodical fee as may, with the sanction of the Standing Committee, be specified in the notice issued under clause (*a*).

Contract with owner or occupier for removal of rubbish and filth.

189. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as may seem suitable to the Commissioner, and on payment of fees at such rate as the Council may determine.

Provision for daily cleansing of streets and removal of rubbish and filth.

190. The Commissioner shall provide—

(*a*) for the daily surface-cleansing of all public streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depots and the accumulations at all places provided or appointed by him under Section 186 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by owners or occupiers of premises in pursuance of any notice issued under Section 187.

Rights of property of Municipality in things deposited in receptacles.

191. All rubbish and filth and other matter collected by the Municipality under this Regulation and all things deposited in depots or places provided or appointed under Section 186 shall be the property of the Municipality.

Directions as to removal of rubbish and filth.

192. In cases not provided for by any notice issued under Section 188, the Commissioner shall, with the sanction of the Standing Committee, lay down—

(*a*) the hours within which rubbish and filth may be removed;

(*b*) the kind of cart or other receptacle in which rubbish and filth may be removed; and

(*c*) the route by which such carts or other receptacles shall be taken.

Maintenance of establishment for removal of rubbish and filth.

193. The Municipality shall maintain an establishment under the control of the Commissioner for the removal of rubbish and filth from latrines which are not connected with a public drain.

194. (1) No person who is bound by any notice issued under Section 187 or Section 188 as the case may be, to collect and deposit or remove rubbish or filth accumulating on any premises shall allow the same so to accumulate for more than twenty-four hours.

Prohibition against accumulation of rubbish or filth on premises.

(2) No person shall deposit any rubbish or filth otherwise than as provided in a notice issued under Section 187 or Section 188 as the case may be.

Prohibition against irregular methods of depositing rubbish or filth.

(3) No person shall remove rubbish or filth otherwise than to a depot or place provided or appointed for the purpose under Section 186 or otherwise than as laid down under Section 188 or Section 192.

Prohibition against irregular removal of rubbish or filth.

(4) No person shall throw or place any rubbish or filth as the case may be,

Prohibition against deposit of rubbish or filth in unauthorised place or manner.

(*a*) in any place not provided or appointed for the purpose under Section 186, or

(*b*) in any way contrary to any direction given under Section 187.

(5) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a receptacle approved by the Commissioner, any rubbish or filth on such premises or any place belonging thereto or neglect to employ proper means to remove the rubbish or filth from or to cleanse such receptacle and to dispose of such rubbish or filth in the manner directed by the Commissioner, or fail to comply with any requisition of the Commissioner as to the construction, repair, paving or cleansing of any latrine on or belonging to the premises.

Prohibition against keeping rubbish or filth for more than twenty-four hours, or in unauthorised place or manner.

(6) No owner or occupier shall allow the water of any sink, drain or latrine or the drainage from any stable or place, or any other filth to run down on, or to, or be put upon, any street, or into any drain in or alongside of any street, except in such manner as shall prevent any avoidable nuisance from any such filth soaking into the walls or ground at the side of the said drain.

Prohibition against allowing sewage to flow in streets.

CHAPTER IX—STREETS.

Public Streets.

195. All public streets in the city not reserved under the control of Our Government, and the side drains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees, not being private property, growing thereon or by the side thereof, shall vest in the Municipality.

Vesting of public streets and their appurtenances in Municipality.

196. The Municipality may cause the public streets to be maintained and repaired and may make all improvements thereto which are necessary or expedient for the public safety or convenience.

Maintenance and repair of streets.

197. (1) The Commissioner may, subject always to such sanction as may be required under Chapter IV,

Power of authorities in regard to streets.

(*a*) lay out and make new streets :

(*b*) construct bridges and sub-ways ;

(*c*) turn, divert, or, with the special sanction of the Council and Our Government, permanently, close any public street or part thereof ; and

(*d*) widen, open, extend or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are acquired for or affected by any such purposes.

198. (1) When any public street is permanently closed under Section 197, the Municipality may dispose of the site or so much thereof as is no longer required making due compensation to any person injured by such closing.

Power to dispose of permanently closed streets.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

199. (1) The Commissioner may, subject always to such sanction as may be required under Chapter IV, acquire—

Acquisition of land and buildings for improvements.

(*a*) any land required for the purpose of widening, opening, extending or otherwise improving any public street, or of making

any new public street, and the buildings, if any, standing upon such land ;

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the Council may consider it expedient to acquire.

(2) Any land or building acquired under sub-section (1), clause (*b*), may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the Standing Committee thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(3) The Standing Committee may require any person to whom any land or building is transferred under sub-section (2) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

200. The Standing Committee may—

(*a*) prescribe for any public street a building line or a street alignment or both a building line and a street alignment ;

(*b*) from time to time, but subject in each case to its receiving the authority of the Council in that behalf, define a fresh line in substitution for any line so defined or for any part thereof, provided that such authority shall not be accorded —

(i) unless, at least one month before the meeting of the Council at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and in Our Government Gazette and special notice thereof signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be defined ; and

(ii) until the Council has considered all objections to the said proposal made in writing and delivered at the Municipal office not less than three clear days before the day of such meeting.

Restrictions on erection of or addition to buildings within street alignment or building line.

201. (1) No person shall construct any portion of any build- within a street alignment defined under Section 200 provided however that the Commissioner may in his discretion permit additions to a building to be made within a street alignment, if such additions merely add to the height and rest upon an existing building or wall, upon the owner of the building executing an agreement binding himself and his successors in interest,

(*a*) not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or such successors to

remove any building erected or added to in pursuance of such permission or any portion thereof, and

(*b*) to pay the expenses of such removal:

Provided that the Commissioner shall in every case in which he gives permission report his reasons in writing to the Standing Committee.

If the Commissioner refuses to grant permission to erect or add to any building on the ground that the proposed site falls wholly or in part within a street alignment prescribed under Section 200 and if such site or the portion thereof which falls within such alignment be not acquired on behalf of the Municipality within one year after the date of such refusal, the Municipality shall pay reasonable compensation to the owner of the site.

(2) No person shall erect or add to any building between a street alignment and a building line defined under Section 200 except with the permission of the Commissioner, who may when granting permission impose such conditions as the Standing Committee may lay down for such cases.

Setting back projecting buildings or walls.

202. (1) When any building or part thereof abuting on a public street is within a street alignment defined under Section 200, the Commissioner may whenever it is proposed—

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubic feet; or

(*b*) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street alignment.

(2) when any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the Commissioner or otherwise, taken down, the Commissioner may forthwith take possession on behalf of the Municipality of the portion of land within the street alignment theretofore occupied by the said building and, if necessary, clear it.

(3) Land acquired under this Section shall be deemed a part of the public street and shall vest in the Municipality.

(4) When any building is set back in pursuance of any requisition made under sub-section (1) or when the Commissioner takes possession of any land under sub-section (2), the Municipality shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The explanation 'direct damage' as used in sub-section (4) with reference to land means the market value of the land

taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

203. The Commissioner may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the Standing Committee by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.—For the purpose of this Section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the Commissioner is erected along the said line.

Projected streets.

204. (1) The Standing Committee may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall ordinarily not be less than twenty feet.

(8) When any plan has been prepared under sub-section (1), the provisions of Section 202 shall apply to all buildings, so far as they stand across the street alignment of the projected street.

Watering of streets.

205. The Council shall, so far as it considers it requisite for the public convenience, and so far as funds permit, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as it thinks necessary.

Temporary closure of streets.

206. The Commissioner may by an order temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes specified in Schedule III:

Provided that such work shall be completed and such street re-opened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

207. It shall not be lawful for any person, without the permission of the Commissioner, to displace, take up or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Private Streets.

208. If the owner of any land utilises, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall, save in such cases as the site or sites may abut on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Owners obligation to make a street when disposing of land as building sites

209. (1) Any person intending to lay out or make a new private street must send to the Commissioner a written application with the plans and sections showing the following particulars, namely—

Making of new private streets.

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of the Regulation and of any rules or bye-laws made under it as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1); and all the particulars referred to in that sub-section shall be subject to approval by the Standing Committee.

(3) Within sixty days after the receipt of any application under sub-section (1) the Standing Committee shall either sanction the making of the street on such conditions as it may think fit or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Standing Committee likely to be made, for carrying out any general scheme of street improvement;

(ii) if the proposed street does not conform to the provisions of the Regulation, rules and bye-laws referred to in sub-section (2); or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall lay out or make any new private street without or otherwise than in conformity with the orders of the Standing Committee. If further information is asked for, no steps shall be taken to lay out or make the street until orders have been passed upon receipt of such information :

Provided that the passing of such orders shall not in any case be delayed for more than sixty days after the Standing Committee has received all the information which it considers necessary to enable it to deal finally with the said application.

Alteration or demolition of street made in breach of Section 209.

210. (1) If any person lays out or makes any street referred to in Section 209, without or otherwise than in conformity with the orders of the Standing Committee, the Commissioner may, whether or not the offender be prosecuted under this Regulation, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the Commissioner on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the Commissioner, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the Commissioner either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the Commissioner why such street should not be so altered or demolished, the Commissioner may pass an order directing the alteration or demolition of such streets.

Power of Commissioner to order work to be carried out or to carry it out to himself in default.

211. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, sewered, drained, conserved, or lighted to the satisfaction of the Commissioner, he may by notice require the owners or occupiers of premises, fronting or abutting on such street or part thereof to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the Commissioner may, if the thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respectives premise and in such proportion as may be settled by the Commissioner.

Right of owners to require streets to be declared public.

212. If any street has been levelled, paved, metalled, flagged, channelled, sewered, drained, conserved and lighted under the provisions of Section 211, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachments on streets.

213. No one shall build any wall or erect any fence or other obstruction, encroachment or projection in or over any street except as hereinafter provided.

Prohibition against obstructions in streets.

Prohibition and regulation of doors, ground floor windows and bars opening outwards.

214. (1) No door, gate, bar or ground-floor window shall without a licence from the Commissioner be hung or placed so as to open outwards upon any street.

(2) The Commissioner may by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

215. (1) The Commissioner may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar, or ground-floor window) situated against or in front of such premises and in or over any street.

Removal of encroachments.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under law of limitation to give him a prescriptive title or that it was erected with the consent of any Municipal authority duly empowered in that behalf, and that the period, if any, for which the consent is valid has not expired, the Muniicpality shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

216. (1) The Commissioner may grant a licence subject to such conditions and restrictions as he may think fit—

(*a*) to the owner or occupier of any premises in a street, to put up verandas, balconies, sunshades, whether-frames and the like, to project over the street, or in streets in which the construction of arcades has been sanctioned by the „Council, to put up an arcade ; or to construct any step or drain-covering necessary for access to the premises ; or

(*b*) for any temporary construction in a street on occasions of festivals and ceremonies :

Provided that a licence under this Section shall in no case be granted if the projection or erection, as the case may be, is likely to cause public inconvenience.

(2) On expiry of any period for which a licence has been granted under this Section, the Commisioner may without notice cause any construction put up under clause (*a*) or (*b*) of sub-section

(1) to be removed and the cost of so doing shall be recoverable from the person to whom the license was granted in the manner provided in Section 378. The Commissioner may also sell the materials of such construction and shall in that case apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no demand is made, such surplus shall be forfeited to the Municipality.

Precautions during repairs of streets.

217. (1) The Commissioner shall, so far as is practicable during the construction or repair of any street, drain or premises vested in the Municipality—

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The Commissioner shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The Commissioner shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises.

Prohibition against removal of bars and lights.

218. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under Section 217.

Making holes and causing obstruction.

219. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the Commissioner and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

(3) If any obstruction is caused in any street by the fall of structures, trees, or the fences, the owner or occupier of the premises concerned shall, within twelve hours of the occurrence of such fall, or within such further period as the Commissioner may by notice allow, clear the street of such obstruction.

220. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a license from the Commissioner in that behalf and shall also—

Licence for work on ldings likely to cause obstruction.

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents during such time as the public safety or convenience requires.

Naming Streets and Numbering Buildings.

221. (1) The Council shall give names to new public streets and may alter the name of any public street.

Naming of public streets.

(2) The Commissioner shall cause to be put up or painted in English and in Malayalam on a conspicious part of some building, wall, or place, at or near each end, corner or entrance of every public street, the name by which it is to be known.

(2) No person shall without lawful authority destroy, pull down or deface any such name or put up any name different from that put up by order of the Commissioner.

222. (1) The Commissioner may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the enclosure thereof.

Numbering of buildings.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced ; and if he fails to do so, the Commissioner may by notice require him to replace it.

CHAPTER X—BUILDING REGULATIONS.

General Powers.

Building rules.

223. (1) Our Government may make rules—

(*a*) for the regulation or restriction of the use of sites for building ; and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building ; and

(*b*) that no site shall be used for the construction of the building intended for public worship if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters :—

(*a*) information and plans to be submitted together with applications for permission to build ;

(*b*) height of buildings, whether absolute or relative to the width of streets ;

(*c*) level and width of foundation, level of lowest floor and stability of structure ;

(*d*) number and height of storeys composing a building and height of rooms ;

(*e*) provision of sufficient open space, external or internal, and adequate means of ventilation ;

(*f*) provision of means of egress in case of fire ;

(*g*) provision of secondary means of access for the removal of house refuse ;

(*h*) materials and methods of construction of external and party walls, roofs and floors ;

(*i*) position, materials and methods of construction of hearths, smoke escapes, chimneys, stair cases, latrines, drains and cess pools;

(*j*) paving of yards ,

(*k*) restrictions on the use of inflammable materials in building ; and

(*l*) in the case of well, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

(4) No piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this Regulation and of any rules or bye-laws made thereunder relating to the use of building sites or the construction or reconstruction of buildings.

Power of Municipality to regulate future construction of certain classes of buildings in particular streets or localities.

224. (1) The Council may give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed;

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be

such as the Standing Committee may consider suitable to the locality, or

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, wherehouses, factories, huts, or buildings of a specified architectural character or buildings destined for particular uses will not be allowed without the special permission of the Standing Committee.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The Standing Committee shall consider all objections received within the said period and may then confirm the declaration, and, before doing so, may modify it, but not so as to extend its effect.

(4) The Commissioner shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

Buildings at corner of streets.

225. (1) The Council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the Municipality shall pay compensation.

(3) In determining such compensation, allowance shall be made for any benefit accrueing to the same premises from the improvement of the streets.

Prohibition against use of inflammable materials for buildings without permission.

226. No roof, veranda, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats, or other inflammable materials except with the permission of the Commissioner.

Buildings other than huts.

Application to construct or reconstruct building.

227. (1) If any person intends to construct or, reconstruct a building, he shall send to the Commissioner—

(*a*) an application in writing for approval of the site, together, with a site-plan of the land, and

(*b*) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building and a specification of the work.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

Necessity for prior approval of the site.

228. The Commissioner shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under Section 227.

Prohibition against commencement of work without permission.

229. The construction or reconstruction of a building shall not be begun unless and until the Commissioner has granted permission for the execution of the work.

Period within which Commissioner is to signify approval or disapproval.

230. Within thirty days after the receipt of any application made under Section 227 for approval of a site, or of any information or further information required under rules or by-laws the Commissioner shall, by written order, either approve the site or refuse on one or more of the grounds mentioned in Section 233 to approve the site.

Period within which Commissioner is to grant or refuse to grant permission to execute work.

231. Within thirty days after the receipt of any application made under Section 227 for permission to execute any work or of any informat on or of documents or further information or documents required under rules or bye-laws the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in Section 233 or Section 234 to grant it:

Provided that the said period of thirty days shall not begin to run until the site has been approved under Section 230.

Reference to Standing Committee if Commissioner delays grant or refusal of approval or permission.

232. (1) If, within the period laid down in Section 230 or Section 231, as the case may be, the Commissioner has neither given nor refused his approval of a building site or his permission to execute any work, as the case may be, the Standing Committee shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not.

(2) If the Standing Committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Regulation or any rules or bye-laws made under this Regulation.

Grounds on which approval of site for, or licence to construct or reconstruct, building may be refused.

233. The only grounds on which approval of a site for the construction or reconstruction of a building or permission to construct or re-construct a building may be refused, are the following, namely—

(i) that the work or the use of the site for the work or any of the particulars comprised in the site-plan, ground plan, elevations, sections, or specification would contravene some specified provision of any law or some specified order, rule, declaration or bye-law made under any law ;

(ii) that the application does not contain the particulars or is not prepared in the manner required under rules or bye-laws ;

(iii) that any of the documents referred to in Section 227 have not been signed as required under rules or bye-laws ;

(iv) that any information or documents required by the Commissioner under the rules or by-laws has or have not been duly furnished ; and

(v) that streets or roads have not been made as required by Section 208.

Whenever the Commissioner or the Standing Committee refuses to approve a site for a building, or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specifically stated in the order.

Special powers for suspending permission to construct buildings.

234. Notwithstanding anything contained in Section 233, if any street shown in the site-plan is an intended private street, the Commissioner may at his discretion refuse to grant permission to construct a building, until the street is commenced or completed.

Lapse of permission if not acted upon within one year.

235. If the construction or reconstruction of a building is not commenced within one year after the date on which permission was given to execute the work the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

Inspection by Commissioner.

236. The Commissioner may inspect any building during the construction or reconstruction thereof, or within one month from the date of receipt of the notice given under Section 106.

Power of Commissioner to require alteration of work.

237. (1) If the Commissioner finds that the work—

(*a*) is otherwise than in accordance with the plans or specifications which have been approved, or

(*b*) contravenes any of the provisions of this Regulation or any rule, bye-law, order or declaration made under this Regulation, he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans, specifications or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the Commissioner shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit,

Stoppage of work endangering human life.

238. Notwithstanding anything contained in any of the preceding Sections, the Commissioner may at any time stop the construction or reconstruction of any building if in his opinion the work in progress endangers human life.

Above provisions not applicable to huts.

239. In Section 227 to 238 the word 'buildings' does not include a hut.

Wells.

Application of certain Sections to wells.

240. The provisions of Sections 227, 228, 229, 235, 236, 237, and 238 shall, so far as may be, apply wells.

Huts.

Application to construct or reconstruct huts.

241. (1) Every person who intends to construct or reconstruct a hut shall send to the Commissioner—

(*a*) an application in writing for permission to execute the work, and

(b) a site plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required under rules or byelaws,

242. The construction or reconstruction of a hut shall not be commenced unless and until the Commissioner has granted permission for the execution of the work on an application sent to him under Section 241.

Prohibition against commencement of work without permission.

243. Within fourteen days after the receipt of any application made under Section 241 for permission to construct or reconstruct a hut, or of any information or plan or further information or fresh plan required under rules or bye-laws, the Commissioner shall, by written order, either grant such permission or refuse on one or more of the grounds mentioned in Section 245 to grant it.

Period within which Commissioner is to grant or refuse to grant permission to execute the work.

244. (1) If within the period laid down in Section 243, the Commissioner has neither granted nor refused to grant permission to construct or reconstruct a hut, the Standing Committe shall be bound on the written request of the applicant, to determine by written order whether such permission should be granted or not.

Reference to Standing Committee if Commissioner delays grant or refusal of permission.

(2) If the Standing Committee does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted ; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this Regulation or any rules or bye-laws made under this Regulation.

245. The only grounds on which permission to construct or reconstruct a hut may be refused are the following, namely :—

Grounds on which permission to construct or reconstruct hut may be refused.

(i) that the work or the use of the site for the work would contravene some specified provision of any law or some specified rule, bye-law, order or declaration made under any law ;

(ii) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws ;

(iii) that any information or plan required by the Commissioner under rules or bye-laws has not been duly furnished ; and

(iv) that streets or roads have not been made as required by Section 208,

Whenever the Commissioner or Standing Committee refuses to grant permission to construct or reconstruct a hut, the reasons for such refusal shall be specifically stated in the order.

Lapse of permission if not acted upon within six months.

246. If the construction or re-construction of any hut is not commenced within six month after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter.

External walls—Alterations and additions.

Maintenance of external walls in repair.

247. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the Commissioner.

Application of provisions to alterations and additions.

248. (1) The provisions of this Chapter and of any rules or bye-laws made under this Regulation relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto :

Provided that works of necessary repair which do not affect the position or dimensions of a building or any room therein shall not be deemed an alteration or addition for the purpose of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room, such question shall be referred to the Standing Committee, whose decision shall be final.

Powers of Commissioner.

Demolition or alteration of building or well-work unlawfully commenced, carried on, or completed.

249. (1) If the Commissioner is satisfied—

(i) that the construction or reconstruction of any building or wall—

(*a*) has been commenced without obtaining the permission of the Commissioner or (where an appeal or reference has been made to the Standing Committee) in contravention of any order passed by the Standing Committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(c) is being carried on, or has been completed in breach of any of the provisions of this Regulation or of any rule or bye-law made under this Regulation or of any direction or requisition lawfully given or made under this Regulation or such rules or bye-laws, or

(ii) that any alterations required by any notice issued under Section 237 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to, or upon any building has been commenced or is being carried on or has been completed in breach of Section 248,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the Commissioner, has been unlawfully executed, or to make such alterations as may, in the opinion of the Commissioner, be necessary to bring the work into conformity with the Regulation, rules, bye-laws, direction or requisition as aforesaid, or with the plans or particulars on which such permission or order was based, and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The Commissioner shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the Commissioner, the Commissioner may confirm the order, with any modification he may think fit to make.

Exemptions.

Exemptions.

250. Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant house, meter-house, summer house (not being a dwelling-house), poultry house, or aviary, shall be exempted from the provisions of this Chapter other than Section 226, provided the building be wholly detached from, and situated at a distance of at least ten feet from the nearest adjacent building.

CHAPTER XI—NUISANCES.

Dangerous buildings, trees and places.

Precautions in case of dangerous buildings.

251. (1) If any building be deemed by the Commissioner to be in a ruinous state or dangerous to passers-by or to the occupiers of neighbouring structures, the Commissioner may by notice require the owner or occupier to fence off, take down, secure or repair such building so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires fence off, take down, secure or repair such building or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in Section 378.

(3) If in the Commissioner's opinion the said building is imminently dangerous to the inmates thereof, the Commissioner shall order the immediate evacuation thereof and any person disobeying may be removed by any Police Officer.

Precautions in case of dangerous trees.

252. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Commissioner to he likely to fall and thereby to endanger any person using a public or private street the Commissioner may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the Cammissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in Section 378.

Precautions in case of dangerous tanks, wells, holes, etc.

253. (8) If any tank, pond, well, hole, stream, dam, bank or other place be deemed by the Commissioner to be for want of sufficient repair, protection or enclosure dangerous to the passers-by, or to persons living in the neighbourhood, the Commissioner may by notice require she owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires take such temporary measures as he things fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in Section 378.

Precautions against fire.

254. (1) The Commissioner may by notice require the owner of any building, booth or tent partly or entirely composed of, or having any external roof, veranda, pandal or wall partly or entirely composed of cloth, grass, leaves, mats or other inflammable materials to remove or alter such building, booth, tent, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the Commissioner may think necessary to prevent danger from fire.

(2) The Commisioner may by notice require any persons using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may, with the sanction of the Standing Committee, by notice require the owner or occupier of the building to alter or reconstruct any stair-case in such manner or to provide such additional or emergency stair-cases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits, and that the gangways, passages and stair-cases leading to the exits shall, during the presence of the public, be kept clear to obstructions.

Control over waters, etc.

Prohibition of construction of wells, tanks, etc., without the Commissioner's permission.

255. (1) No new tank, pond, cistern, fountain, or the like shall be dug or constructed without the permission of the commissioner.

(2) The Commissioner may grant permission, with or without conditions, or may refuse it.

(3) If any such work is begun or completed without such permission, the Commissioner may either—

(a) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner, shall direct, or

(*b*) grant permission to retain such work but such permission shall not exempt such owner from proceedings for contravening the provisions of sub section (1).

Power to stop dangerous quarrying.

256. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may with the approval of the Standing Committee, by notice, require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such places or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Powers to order filling in of pools etc., which are a nuisance and regulation of agriculture within City.

257. (1) If in the opinion of the Commissioner—

(*a*) any pool, ditch, tank, well, pond, bog swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water or

(*b*) any land on which water may at any time accumulate,

is or is likely to become a breeding place of mosquitoes or in any other respect nuisance, the Commissioner may by notice require the owner or person having control thereof to fill up, cover over, weed. stock with larvicidal fish, treat with kerosene oil, drain or drain off the same in such manner and with such materials as the Commissioner shall direct, or to take such order with the same for removing or abating the nuisance as the Commissioner shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over or drain off a well, delivers to the Commissioner, within the time fixed for the compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under Section 382 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may, nevertheless, if he deems the execution of the work called for by such requisition to be urgent importance, proceed in accordance with Section 371 and pending the Standing Committee's disposal of the question whether the said well shall be permanently

filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by the owner or by the Commissioner out of the Municipal Fund or shall be shared and, if so, in what proportions.

(3) On the report of the Health Officer that the cultivation of any specified crop, or the use of any specified manure, or the irrigation of land in any place within the limits of the City is injurious to the public health, the Council may, with the previous sanction of Our Government, by public notice regulate or prohibit the cultivation, use of manure or irrigation so reported to be injurious:

Provided that when such cultivation, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the Municipal Fund to all persons interested for any damage caused to them by such prohibition.

Power to order cleansing of insanitary private tank or well used for drinking

258. (1) If any private tank, well or other place, the water of which is used for drinking, is not maintained in a sanitary condition, the Commissioner may by notice require the owner or person having control thereof to cleanse the same in such manner as the Commissioner may direct and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice.

(2) If the water of any private tank, well or other place which is used for drinking, is proved to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to—

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

259. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Prohibition against or regulation of washing animals or clothes or fishing in river or estuary.

260. The Commissioner may regulate or prohibit the washing of animals, clothes or other things or fishing in any river or estuary within the city in the interests of the public health.

Prohibition against contaminating water-supply.

261. It shall not be lawful for any person to—

(*a*) bathe in any tank, reservoir conduit, fountain well or other place set apart by the Municipality, or by the owner thereof, for drinking purposes ; or

(*b*) wash or cause any animal or thing to be washed in any such place ; or

(*c*) throw, put or cause to enter into the water in any such place, any animal, or thing whereby the water may be found or corrupted ; or

(*d*) cause or suffer to drain into or upon any such place, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

Untenanted building or lands

262. If any building or land, by reason of abandonment disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the Commissioner becomes a nuisance, the Commissioner may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

263. The Commissioner may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or overgrown with prickly pear or other noxious vegetation to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Fencing of buildings or lands and pruning of hedges and trees

264. The Commissioner may by notice require the owner or occupier of any building or land near a public street to—

(*a*) fence the same to the satisfaction of the Commissioner ; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the Commissioner may determine ; or

(*c*) cut and trim any hedges of trees overhanging the said street and obstructing it or the view of traffic or causing it damage ; or

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Control over insanitary buildings.

Lime-washing and cleansing buildings.

265. The Commissioner if it appears to him necessary for sanitary purposes so to do may by notice require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Further powers with reference to insanitary buildings.

266. (1) Whenever the Commissioner considers—

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood or is for any reason likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice require the owners are occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings, or portions of buildings, to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this Section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which cases the Municipality shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this Section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property.

(4) When any building is so far demolished under this Section as to require reconstruction, allowance shall be made, in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

267. (1) If any building, or portion thereof, intended for or used as a dwelling-place appears to the Commissioner to be unfit for human habitation, he may apply to the Standing Committee to prohibit the further use of such building for such purpose, and the Standing

Committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the Commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Standing Committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the Commissioner shall report the case to the Standing Committee which shall thereupon consider whether the building should not be demolished. The Standing Committee shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the Standing Committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due deligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the Commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertakes to execute forthwith the works necessary to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execution of the decision of the Standing Committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Abatement of over-crowding in dwelling-house or dwelling-place.

268. (1) If it appears to the commissioner that any dwelling-house or other building which is used as a dwelling place, or any room in any such dwelling-house or building, if so over-crowed as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such over-crowding; and the magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks to be laid down in the said order, to abate such overcrowding by reducing the

number of lodgers, tenants or other inmates of the building or room, or many pass such other order as he may deem just and proper.

(2) The Standing Committee may declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sub-let, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this Section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of building or room, to vacate on being required by the owner so to do in obedience to any requisition made under sub-section (1).

General.

Power of Commissioner to use or sell materials of dangerous building taken down, etc.

269. (1) When the Commissioner takes down any building or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter or under Section 371, the Commissioner may sell the materials or things taken down or cut down or removed and shall in the case of sale apply the proceeds in or towards payment of the expenses incurred and pay any surplus accruing from such sale to the owner or other person entitled thereto on demand made within twelve months from the date of sale. If no such demand is made, such surplus shall be forfeited to the Municipality.

(2) If after reasonable inquiry it appears to the Commissioner that there is no owner or occupier to whom notice can be given under any Section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by selling such property (not being land), or any portion thereof.

Limitation of compensation.

270. No person shall be entitled save as provided in Sections 257 and 266 to compensation for any damages sustained by reason of any action taken by a Municipal authority in pursuance of its powers under this Chapter.

Chapter XII—Licences and Fees.

General Provision as to Licences.

Exemption of Government from taking out licences.

271. Nothing in this chapter shall be construed as requiring Our Government to take out a licence in respect of any place in the occupation or under the control of Our Government or in respect of any property belonging to Our Government.

Lodging Houses.

Prohibition in respect of lodging houses.

272. No person shall without or otherwise than in conformity with a license from the Commissioner keep or use a place as a lodging house in any part of the City.

Keeping of Animals.

Prohibition in respect of keeping and feeding animals.

273. No person shall--

(*a*) without the permission of the Commissioner, or otherwise than in conformity with the terms of such permission, keep pigs in any part of the City ; or

(*b*) keep any animal on his premises so as to be a nuisance or so as to be dangerous ; or

(*c*) feed or permit to be fed on filth any animal, which is kept for dairy purposes or may be used for food.

Destruction of stray pigs and dogs.

274. If any dogs not taxed under Section 115 or pigs are found straying, the same may be summarily destroyed by any person authorised in that behalf in writing by the Commissioner.

Licenses for places in which animals are kept.

275. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard or other place in which quadrupeds or kept or taken in for purpose of profit, shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the Commissioner for a licence.

(2) The Commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence,

(3) No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.

General powers of control over stables, cattle-sheds and cow-houses.

276. (1) All stables, cattle-sheds and cowhouses shall be under the survey and control of the Commissioner as regards their site, construction, materials and demensions.

(2) The Commissioner may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of it being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner or person having control of the stable, cattle shed or cow-house.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the owner.

277. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Regulation, the Commissioner may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Power to direct discontinuance of use of building as a stable, cattle-shed or cow-house.

278. (1) The Commissioner may construct or provide and maintain public cart-stands, cattle-sheds and cow-houses and many require the payment of such rents and fees, if any for the use of the same as the Standing Committee may determine.

Provision of public cattle-stands and sheds

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

279. (1) The occupier of any premises in or on which any animal shall die or on which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either—

Removal of carcasses of animals.

(*a*) remove the carcass of such animal to such receptacle, depot or place as may be appointed by the Commissioner in that behalf; or

(*b*) report the death of the animal to an officer of the Health Department of the Division of the City in which the death occurred, with a view to his causing the same to be removed.

(2) When any carcass is so removed by the Health Department, a fee, for the removal, of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge the animal died.

Places of public entertainment.

280. No exhibition of pictures or other optical effects by means of a cinematograph or similar apparatus for the purpose of which imflammable films are used and no public, musical or dramatic performance, pantomime or circus shall be given in the City elsewhere than in premises for which a licence has been granted by the Commissioner under this Section;

Prohibition of cinematograph and dramatic performance except in licensed premises.

Provided that the provisions of this Section shall not apply buildings belonging to or under the control of Our Government.

Industries and Factories.

Purposes for which places may not be used without license.

281. (1) The owner or occupier of every place used for any purpose specified in Schedule IV shall in the first month of every year or, in the case of a place to be newly opened, before it is opened, apply to the Commissioner for a licence for the use of such place for such purpose.

(2) The Commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person, shall, without or otherwise than in conformity, with such a license use any place for such purpose.

Prohibition against erection without permission of machinery which may cause nuisance.

282. (1) No person shall, without the permission of the Commissioner, erect anywhere any steam-boiler or machinery by the use of which smoke, smell, noise, vibration, dust or floating particles of combustible or other matter are produced or danger is likely to arise to the inhabitants of the neighbourhood.

(2) The Commissioner may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood or may grant such permission under such restrictions and regulations as he thinks fit.

(3) All chimneys in connection with any steam-boiler or machinery erected within the City shall be of such height and dimensions as the Commissioner may determine.

Power to prohibit working of factory by night and using of rice husk, etc., for fuel.

283. The Commissioner may at any time by general or special order prohibit—

(*a*) the working between the hours of 9-30 p. m. and 5-30 a. m. of any machinery making a noise or causing vibration, if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or

(*b*) the use of rice-husk or similar products as fuel in any furnace worked for any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use; or

(*c*) the use or employment in any factory or other place of any steam-whistle, steam-trumpet or buzzer.

Depots for Combustibles.

284. (1) The owner or occupier of any place or the sale or storage for other than domestic use of timber, fire-wood, charcoal, straw, coal or any other combustible thing, shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening thereof, apply to the Commissioner for a licence.

Licence for depots for combustibles.

(2) Every application for such license shall contain a statement showing the boundaries and measurements of such place.

(3) The Commissioner may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such license.

(4) No person shall, without or otherwise than in conformity with a licence, use any place for any such purpose.

Washing and Bathing.

Provision of places for bathing and for washing animals.

285. The Council shall set apart places for use by the public for bathing purposes and for washing animals.

286. (1) The Commissioner may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees for the use of any such wash-house or place as the Standing Committee may determine.

Provision of public wash-houses.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the Commissioner may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

287. (1) The Commissioner may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the City or outside the City within three miles of the boundary thereof, except at—

Prohibition against washing by washermen at unauthorised places.

(*a*) public wash houses or places maintained or provided under Section 286 ; or

(*b*) such other places as he may appoint for the purpose.

(2) When any such prohibition has been made, no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer, at any place within or without Municipal limits other than a public wash-house or a place maintained or appointed under this Regulation:

Provided that this Section shall apply only to clothes washed within or to be brought within the City.

Slaughter-houses.

288. (1) The Council shall provide a sufficient number of places for use as Municipal slaughter houses and the Commissioner, with the approval of the Standing Committee, may charge such rents and fees for their use as he may think fit.

Provision of Municipal slaughter-houses.

(2) The Commissioner may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as he may think fit.

(3) Municipal slaughter-houses may be situated within or, with the sanction of Our Government, without the City.

289. (1) The owner of any place in the City which is used as a slaughter-house for the slaughtering of an animal or for the skinning or cutting up of any carcass or of any place within three miles of the Municipal limits which is used as slaughter houses for the slaughttering of animals intended for food to be consumed within the City shall in the first month of every year or, in the case of a place to be newly opened, within one month before the opening thereof, apply to the Commissioner for a licence.

Licence for slaughter houses.

(2) The Commissioner may by an order, and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

Slaughter of animals during festivals and ceremonies.

290. The Commissioner may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure.

291. No person shall slaughter within the City any cattle, horse, sheep, goat or pig for sale or food or skin or cut up any carcass without or otherwise than in conformity with a license from the Commissioner or dry or permit to be dried any skin in such a manner as to cause a nuisance.

Slaughter of animals for sale or food.

292. The Commissioner may authorise any person to slaughter without licence and without the payment of any fee any animal for the purpose of a religious ceremony.

Slaughter of animals for religious ceremony.

The Milk Trade.

Regulation of milk trade.

293. (1) No person shall without or otherwise than in conformity with a licence from the Commissioner—

(*a*) carry on within the City the trade or business of a dealer in or importer or seller or hawker of milk or dairy produce ; or

(*b*) use any place in the City for the sale of milk or dairy produce.

(2) Such licence may be refused or may be granted either unconditionally or upon conditions laid down by the Commissioner.

Markets, Butchers' Shops, etc.

Public markets.

294. All markets which are constructed, repaired or maintained out of the Municipal Fund shall be deemed to be public markets.

Powers of Municipal authorities in respect of public markets.

295. (1) The Council may provide places for use as public markets.

(2) The Commissioner, with the approval of the Standing Committee, may charge such rents and fees as he may think fit for the use of such markets, or the right to expose goods for sale therein and for the use of any shop, stall, pen, or stand therein and may, subject to the same approval, let on lease, or farm the stallages, rent and fees leviable therein as aforesaid, or any other portion thereof, for any period not exceeding one year at a time.

Commissioner's control over public markets.

296. (1) No person shall, without or otherwise than in conformity with a licence from the Commissioner, sell or expose for sale any animal or article within any public market.

(2) The Commissioner may expel from any public market any person who or whose servant has been convicted of disobeying any regulation made under Section 302 or any bye-law made under Section 341 at the time in force in such market and may prevent such person from carrying on by himself or his agent any trade or business in such market or occupying any shop, stall, or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place

297. (1) The Council shall determine whether the establishment of new private markets for the sale of or for the purpose of exposing for sale animals intended for human food or any article of human food shall be permitted in the City or any specified part of the city.

Establishment of private markets.

(2) No person shall establish any such new private market except with the sanction of the Standing Committee, which shall be guided in giving or refusing sanction by the resolutions of the Council passed under sub section (1).

298. (1) No person shall without or otherwise than in conformity with an annual licence granted by the Commissioner in this behalf continue to keep open a private market. Application for the renewal of the licence shall be made in the first month of every year.

Licencing of private markets.

(2) The Commissioner may by an order, subject to such restrictions and regulations as he thinks fit:—

(*a*) grant or refuse to grant or renew such licence, or

(*b*) withhold the licence until the owner or occupier executes such works as may be specified in the order.

Provided that the Commissioner shall not refuse or withhold such licence for any cause other than the failure of the owner or occupier thereof to comply with some provision of this Regulation or some regulation made under Section 302 or some bye-law made under Section 341, or without the approval of the Standing Committee.

(3) The Commissioner, shall cause a notice that the market has been so licensed to be affixed in English and in Malayalam in some conspicuous place at or near the entrance to every such market.

(4) The Commissioner, if a licence has been refused or withheld as aforesaid, shall cause a notice of such refusal or withholding to be affixed in Englisn and Malayalam to some conspicuous place at or near the entrance to the premises.

299. It shall not be lawful for any persons to sell or expose for sale any animal or article in any unlicenced private markets.

Sale in unlicenced private markets.

300. The Commissioner may by notice require the owner, occupier or farmer of any private market for the sale of any animal or article of food, to—

Powers of Commissioner in respect of private markets.

(*a*) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines;

(b) roof and pave the whole or any portion of it or pave any portion of the floor with such materials as will in the opinion of the Commissioner secure imperviousness and ready cleansing ;

(c) ventilate it properly and provide it with supply of water ;

(d) provide passages of sufficient width between the stalls ; and

(e) keep it in a cleanly proper state and remove all filth and rubbish therefrom.

Suspension or refusal of licence in default

301. (1) If any person, after notice given to him in that behalf by the Commissioner, fails within the period and in the manner laid down in the said notice to carry out any of the works specified in Section 300 the Commissioner may, with the sanction of the Standing Committee, suspend the licence of the said person, or may refuse to grant him a licence until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Power of Commissioner to make regulations for markets, bazaars, slaughter-houses, and places set apart for sacrifice of animals.

302. The Commissioner may, with the approval of the Standing Committee, make rules, not inconsistent with any provision of this Regulation or of any bye-law made under Section 340—

(a) for preventing nuisance or obstruction in any market-building, market-place, bazaar or slaughter-house, or in the approaches thereto, or in any of the roads, paths or ways in any market or bazaar ;

(b) fixing the days and the hours on and during which any market, bazaar or slaughter-house may be held or kept open for use ;

(c) for keeping every market-building, market-place, bazaar, slaughter-house and place specified under Section 290 in a cleanly and proper state, and for removing filth and rubbish therefrom ;

(d) requiring that any market-building, market-place, bazaar, slaughter-house or place specified as aforesaid be properly ventilated and be provided with a sufficient supply of water ;

(e) requiring that in market-buildings, market places and bazaars, passages be provided between the stalls of sufficient width for the convenient use of the public ; and

(f) requiring that in market buildings, market-places and bazaars separate areas be set apart for different classes of articles.

Butcher's fishmonger's and poulterer's licence.

303. No person shall, without, or otherwise than in conformity with a license from the Commissioner carry on the trade of a butcher, fishmonger or poulterer or use any place for the sale of the flesh or fish

intended for human food :

Provided that no licence shall be required formulated fo the selling or storing for sale of preserved flesh or fish contained in air-tight and hermetically sealed receptacles.

304. The Commissioner may, with the sanction of the Standing Committee, prohibit by public notice or licence or regulate the sale or exposure of sale of any articles in or on any public street or part thereof.

Power to prohibit or regulate sale of articles in public streets.

Inspection of places for Sale, etc

305. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee, butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

Duty of Commissioner to inspect.

306. (1) The Commissioner or any person authorised by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sales or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale at any time by day or might when the slaughter, exposure for sale in manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

Powers of Commissioner for purposes of inspection.

(2) If the Commissioner or any person so authorised by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcases is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise, than in conformity with a licence he may enter any such place without notice at any time by day or night for the purpose of satisfying himself whether any provision of law, bye-laws or regulations or any condition or a license is being contravened.

(3) No claim shall lie against the Commissioner or any person acting under his authority or the Municipality for any damage or inconvenience caused by the exercise of powers under this Section or by the use of any force necessary for effecting any entry into any place under this Section.

(4) In any legal proceedings in respect of powers exercised under this Section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not

intended for human food, the burden of proof shall lie on the party so alleging.

307. No person shall in any manner whatsoever obstruct the Commissioner or person duly authorised by him in the exercise of his powers under the last preceding Section.

Preventing inspection by Commissioner.

308. If any animal, poultry or fish intended for food appears to the Commissioner or to a person duly authorised by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing any article of food appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure any such thing.

Power of Commissioner to seize diseased animal, noxious food etc.

Explanation,—Meat subjected to the process of blowing shall be deemed to be noxious.

309. No person shall remove or in any way interfere with anything secured under the last preceding Section.

Removing or interfering with articles seized.

310. (1) When any animal, poultry, fish or other articles of food is seized under Section 308, it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

Power to destroy article seized.

(2) Any expenses incurred in destroying anything under sub-section (1), shall be paid by the owner or person in whose possession such thing was at the time of its seizure.

311. (1) Articles of food, animals poultry, fish, utensils, or vessels, seized under Section 308 and not destroyed under Section 310 shall as soon as possible be produced before a Magistrate.

Production of articles, etc. seized before magistrate and powers of magistrate to deal with them.

(2) Whether or not complaint is laid before the magistrate of any offence under the Travancore Penal Code under this Regulation, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in Section 308 he may order the same—

(*a*) to be forfeited to the Municipality, or

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or

used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the Dead.

312. If it appears to the Commissioner that there is no owner or person having the control of any place used for burying, burning, or otherwise disposing of the dead, he shall assume such control and register such place, or may, with the sanction of the Council, close it.

Registration or closing of ownerless places for disposal of dead.

313. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a license has been obtained from the Commissioner on application.

Licensing of places for disposal of dead.

(2) Such application for a license shall be accompanied by a plan of the place to be registered, showing the locality, boundaries and extent thereof, the name of the owner or person or community interested therein, the system of management, and such further particulars as the Commissioner may require.

(3) The Commissioner may, with the sanction of the Council,

(*a*) grant or refuse a license, or

(*b*) postpore the grant of a licence until his objections to the site have been removed or any particulars called for by him have been furnished.

314. (1) The Council may, and shall, if no sufficient provision exists, provide places to be used as burial or burning grounds or crematoria either within or without the limits of the City and may charge rents and fees for the use thereof.

Provision of burial and burning grounds and crematoria within or without the City by the Municipality.

(2) If the Municipality provide any such place without the limits of the City, all the provisions of this Regulation and all bye-laws framed under this Regulation for the management of such places within the City shall apply to such place and all offences against such provisions or bye-laws shall be cognizable by the magistrates as if such place were within Municipal limits.

315. (1) A book shall be kept at the Municipal Office in which the places registered, licensed or provided under Section 312, Section 313 or Section 314 and all such places registered, licensed, or provided before the commencement of this Regulation, shall be recorded, and the plans of such places shall be filed in such office.

Register of registered, licensed and provided places and prohibition of use of other places.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in Malayalam to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) The Commissioner shall annually publish a list of all places registered, licensed, or provided as aforesaid or provided by Our Government.

(4) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided as aforesaid :

Provided however that it shall be lawful for the Commissioner to permit any burial or burning in private ground in individual cases.

Report of burials and burnings.

316. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to the officer, if any, appointed by the Commissioner in that behalf.

Prohibition against making of vault or grave in place of worship.

317. No person shall make a vault or grave or cause any corpse to be buried within the walls of or underneath any place of public worship :

Provided that in the case of an existing vault, the Commissioner may, subject to the general or special orders of Our Government, authorise the burial in such vault of near relatives of the family to whom it belongs.

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

318. (1) If the Commissioner is of opinion—

(*a*) that any registered or licensed place for the disposal of the dead is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, or

(*b*) that any burial ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons who would ordinarily make such use of such place,

he may, with the consent of the Council and the previous sanction of Our Government, give notice that it shall not be lawful, after a period to be named in such notice, to bury, burn, or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published and a translation thereof in Malayalam shall be affixed to some part of such place.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn, or otherwise dispose of a corpse at such place except with the permission of the Commissioner.

Prohibition against burial or burning contrary to Regulation or bye-laws.

319. No person shall bury, burn or otherwise dispose of a corpse or part thereof in any place otherwise than in accordance with the provisions of this Regulation and of any bye-laws made under this Regulation.

Grave-digger's license.

320. No person shall discharge of the office of a grave digger or other attendant at a public place for the disposal of the dead (other than a place provided by Our Government) unless he has been licensed in that behalf by the Commissioner.

CHAPTER XIII—VITAL STATISTICS AND THE PREVENTION OF DISEASE.

Vital Statistics.

Compulsory registration of vital statistics.

321. (1) The Municipality shall register all births an deaths occuring in the city.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

Dangerous Diseases.

Power to notify "dangerous disease".

322. Our Government may, by notification, declare any epidemic, endemic or infectious disease [not already specified in sub-clause (*a*) of Section 3, clause (10)] to be a "dangerous disease" for the purposes of this Regulation.

Obligation of medical practitioner or owner or occupier to report dangerous disease.

323. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling in the City, he shall inform the Commissioner, the Health Officer, or the Sanitary Inspector of the division, with the least practicable delay.

(2) The information shall be communicated in such form and with such details as the Commissioner may require.

(3) The Commissioner may direct the compulsory notification by the owner or occupier of every house within the Municipal limits, during such period and to such officer as the Commissioner may prescribe, of all deaths from or occurrences of dangerous disease in his house.

Explanation.—Sub-sections (1) and (2) shall apply to a hakim or a vaidyan.

324. The Commissioner may, at any time by day or by night without notice, or after giving such notice as may appear to him reasonable, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease.

Power of entry into suspected places.

Prevention of Infection.

325. The Commissioner may provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease.

Provision of conveyances for carriage of patients.

326. (1) If, in the case of any person in a hospital, it appears to the officer in charge of it that such person is suffering from a dangerous disease.

Power to order removal of patients to hospital.

or if, in the case of any other person, it appears to the Health Officer that such person is suffering from a dangerous disease, and

(*a*) is without proper lodging or accommodation, or

(*b*) is lodged in a place occupied by more than one family, or

(*c*) is without medical supervision directed to prevent the spread of the disease, and if such officer in charge or the Health Officer as the case may be, considers,

that such person should be removed to a hospital or other place at which patients suffering from such disease are received for medical treatment,

he may remove such person or cause him to be removed to the said hospital or place :

Provided that, if any such person is a female, she shall not be removed to any such hospital or place unless the same has accommodation of a suitable kind set apart from the portions assigned to males.

(2) If any female, who, according to custom, does not appear in public, be removed to any hospital or place under sub-section (1);

(*a*) the removal shall be effected in such a way as to preserve her privacy ;

(*b*) special accommodation suited to such custsom shall be provided for her in such hospital or place ; and

(*c*) a female relative shall be allowed to remain with her.

(3) Whoever sbstructs the removal of a person under this Section shall be deemed to have committed an offence punishable under Section 267 of the Travancore Penal Code.

Disinfection of buildings and articles.

327. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building or of any part thereof, or of any article therein which is likely to retain infection will tend to prevent or check the spread of any dangerous disease, he may be notice require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) The owner or occupier shall within the time specified as aforesaid comply with the terms of the notice.

(3) If the Commissioner considers that immediate action is necessary, or that the owner or occupier is, by roason of poverty or otherwise, unable effectually to comply with his requisition, the Commissioner may himself without notice cause such building or article to be cleansed or disinfected, and for this purpose may use such article to be removed from the building or permises, and the expenses incurred by the Commissioner shall be recoverable from the said owner or occupier in cases in which such owner or occupier is, in the opinion of the commissioner, not unable by reason of poverty effectually to comply with such requisition.

Destruction of huts and sheds when necessary.

328. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any dangerous disease, he may after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation shall be paid by the commissioner to any person who sustains substantial loss by the destruction of any such hut or shed : but, except, as so allowed by the commissioner, no claim for compensation shall lie for any loss or damage caused by any exercise of the power conferred by this Section.

Provision of places for disinfection and power to destroy infected articles.

329. (1) The Commissioner may—

(*a*) provide proper places with all necessary attendants and apparatus for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection ; and

(b) cause conveyances, clothing, bedding or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by the Standing Committee.

(2) The Commissioner may notify places at which conveyances, clothing bedding or other articles which have been exposed to infection shall be washed and no person shall wash any such article at any place not so notified.

(3) The Commissioner may direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed and may give compensation for any article destroyed under this sub-section.

Prohibition against transfer of infected articles.

330. No person shall, without previously disinfecting it, give lend, let, hire, sell, transmit, or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease :

Provided that nothing in this Section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

Prohibition against diseased person entering public conveyance.

331. (1) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(2) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance.

(3) A court convicting any person of contravening sub-section (1) may levy in addition to the penalty for the offence provided in this Regulation such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance ; the amount so imposed shall be awarded by the court to the owner or driver of the conveyance :

Provided that in a case which is subject to appeal, such amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed, or if an appeal is presented before the decision of the appeal.

(4) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the court shall take into account any sum which the plaintiff shall have received under this section.

332. (1) The owner, driver or person in charge of any public conveyance in which any person suffering from a dangerous disease has been carried shall forthwith disinfect the conveyance or cause it to be disinfected.

Disinfection of public conveyance after carriage of patients.

(2) No such conveyance shall be used until the Health Officer or some person authorised by him in this behalf has granted a certificate stating that it may be used without causing risk of infection.

333. (1) No person shall let or sub-let or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from a dangerous disease until the Health Officer has granted a certificate that such building may be reoccupied.

Letting of infected buildings.

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

334. In the event of the prevalence of any dangerous disease within the City, the Commissioner may, with the sanction of the Standing Committee, by notice require the owner or occupier of any building, booth or tent used for purpose of public entertainment to close the same for such period as may be fixed by the Standing Committee.

Power to order closure of places of public entertainment.

335. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the Health Officer that the minor is not to be sent to school or college, permit such minor to attend school or college, without having procured from the Health Officer a certificate (which shall be granted free of charge on application) that in his opinion such minor may attend without undue risk of communicating such disease to others.

Minor suffering from dangerous disease not to attend school.

336. (1) If any person knows that he is suffering from an infectious disease he shall not take any book or use or cause any book to be taken for his use from or in any public or circulating library.

Provision as to library books.

(2) A person shall not permit any book which has been taken from a public or circulating library, and is under his control, to be used by any person whom he knows to be suffering from an infectious disease.

(3) A person shall not return to any public or circulating library any book which he knows to have been exposed to infection from any infectious disease, or permit any such book which is under his control to be so returned but shall give notice to the Commissioner that the book has been so exposed to infection, and the Commissioner shall cause the book to be disinfected and returned to the library, or to be destroyed.

(4) The Commissioner shall pay to the proprietor of the library from which the book is procured the value of any book destroyed under the power given by this Section.

Explanation:—For the purposes of this Section the Commissioner shall from time to time notify what diseases are to be deemed infectious.

Small-pox.

Compulsory vaccination.

337. The Municipality shall enforce vaccination throughout the City in the prescribed manner.

Obligation to give information of small-pox.

338. Where an inmate of any dwelling-place within the City is suffering from small-pox, the head of the family to which the inmate belongs and, in his default the occupier or person in charge of such place, shall inform the Commissioner, the Health Officer or the Sanitary Inspector of the division, with the least practicable delay.

PART V.

SUBSIDIARY LEGISLATION AND PENALTIES.

Chapter XIV—Rules,

Bye laws and Regulatoins.

Rules and schedules.

Power to Government to make rules.

339. (1) Our Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) provide for all matters expressly required or allowed by this Regulation to be prescribed :

(*b*) provide for all matters relating to elections or appointments of councillors, President of the Council and Chairman and members of Standing Committees, not expressly provided for, including deposits to be made by candidates standing for election as councillors and the conditions under which such deposits shall be forfeited.

and for the adjudication of disputes arising out of the election of the President of the Council and Chairman and Members of Standing Committees;

(*c*) prescribe the forms of all registers and returns, the manner in which such registers shall be maintained the dates on which the returns shall be made and the officers to whom they shall be sent; and

(*d*) prescribe the form of warrant under rule 22 and the form of notice of sale under rule 24 of Schedule II.

(3) Our Government may make rules altering, adding to, or cancelling any part of Schedule IV or Parts II to IV of Schedule III

(4) All references made in this Regulation to any of the aforesaid Schedules shall be construed as referring to such Schedules as for the time being amended in exercise of the powers conferred by sub-section (3).

(5) In making any rule Our Government may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

340. The power to make rules under Section 339 and the power to issue notifications under Section 45 are subject to the following conditions:—

Making of rules after previous publication.

(*a*) A draft of the rules or notification shall be published in Our Government Gazette and forwarded to the Council for its opinion.

(*b*) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as Our Government may appoint.

(*c*) All rules made under Section 339 shall be published in Our Government Gazette and upon such publication shall have effect as if enacted in this Regulation.

Bye-laws.

341. The Council may make bye-laws, not inconsistent with this Regulation or with any other law to provide—

Power of Council to make bye-laws.

(i) for the due performance by all Municipal officers and servants of the duties assigned to them;

(ii) for the regulation of the time and mode of collecting the taxes, duties and tolls under this Regulation and for determining the conditions under which lands shall be deemed to be appurtenant to buildings;

(iii) (*a*) for the use of public tanks, wells, conduits and other places or works for water-supply;

(*b*) for the regulation of public bathing, washing and the like ;

(*c*) for the maintenance and protection of the water-supply system, and the protection of the water supply from contamination ;

(*d*) for the conditions on which house-connections with the water supply mains may be made ; for their alteration and repair and for their being kept in proper order ;

(*e*) for supply of water for domestic consumption and use ;

(*f*) for the prevention of waste of water ;

(*g*) for the measurement of water ;

(*h*) for the compulsory provision of cisterns and meters; and

(*i*) for the supply of water in case of fire ;

(iv) for the maintenance and protection of the lighting system;

(v) (*a*) for the maintenance and protection of the drainage system ;

(*b*) for the construction of house drains, and for regulating their situation, mode of construction and materials ;

(*c*) for the alteration and repair of house drains ;

(*d*) for the cleansing of house drains ;

(*e*) for the construction of closed cess-pools and drains; and

(*f*) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one ;

(vi) for the cleansing of latrines, earth closets, ash-pits and cesspools, and the keeping of latrines supplied with sufficient water for flushing ;

(vii) (*a*) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing and the breaking up of ground or of buildings for the purpose of such testing ; and

(*b*) for the licensing of plumbers, fitters, and for the compulsory employment of licensed plumbers and fitters ;

(viii) (*a*) for the laying out of streets' and for determining the information and plans to be submitted with applications for permission to lay out streets ; and for regulating the level and width of public streets and the height of buildings abutting thereon ;

(*b*) for the regulation of the use of public streets, and the closing thereof or parts thereof ;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic ; and

(*d*) for the protection of avenues, trees, grass and other appurtenances of public streets and other places ;

(ix) for the regulation of the use of parks, gardens and other public or Municipal places ;

(x) (*a*) for the regulation of buildings ;

(*b*) for determining the information and plans to be submitted with applications to build; and

(*c*) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors;

(xi) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, restaurants, eating houses, refreshment rooms, coffee houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink;

(xii) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with Municipal drains;

(xiii) for the sanitary control and supervision of places used for any of the purposes specified in Schedule IV and of any trade or manufacture carried on therein;

(xiv) (*a*) for the control and supervision of slaughter-houses and of places used for skinning and cutting up of carcasses;

(*b*) for the control and supervision of the methods of slaughtering; and

(*c*) for the control and supervision of butchers carrying on business in the City or at any slaughter-house without the City provided or licensed by the Municipality;

(xv) for the inspection of milch cattle, and the regulation of the ventilation, lighting, cleaning drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy man or milk seller;

(xvi) for enforcing the cleanliness of milk stores and milk-shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product;

(xvii) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

(xviii) (*a*) for the inspection of public and private markets and shops and other places therein; and

(*b*) for the regulation of their use and the control of their sanitary condition;

(xix) for prescribing the method of sale of articles whether by measure, weight, tale or piece;

(xx) for providing for the inspection of weights and measures;

(xxi) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold;

(xxii) (*a*) for the regulation of burial and burning grounds and other places for the disposal of corpses;

(b) for the levy of fees for the use of such burial and burning grounds, and crematoria as are maintained by the Municipality ;

(c) for the verification of deaths and the causes of death; and

(d) for the period within which corpses must be conveyed to a burial of burning ground, and the mode of conveyance of corpses through public places ;

(xxiii) for the registration of births and deaths ;

(xxiv) for the prevention of dangerous diseases of men or animals ;

(xxv) for the enforcement of compulsory vaccination ;

(xxvi) for the prevention of outbreaks of fire ;

(xxvii) for the prohibition and regulation of advertisements in public streets or parks ;

(xxviii) in general for securing cleanliness, safety and order and the well-being of the City and for carrying out all the purposes of this Regulation ; and

(xxix) for all matters expressly required or allowed by the Regulation to be provided for by bye-laws.

Power to give retrospective effect to certain bye-laws

342. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets privies, ash-pits and cess-pools in connection with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the bye-laws or of this Regulation.

Penalty for breaches of bye-laws.

343 In making any bye-law under Sections 341 and 342 the Council may provide that a breach thereof shall be punishable—

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the Commissioner to discontinue such breach.

Confirmation of bye-laws by Government.

344. (1) No bye-law made by the Council under this Regulation shall have any validity unless and until it is sanctioned by Our Government.

(2) Our Government may revoke their sanction of any bye-laws and thereafter the bye-law shall cease to have effect.

Conditions precedent to making of bye-laws.

345. The power to make bye-laws under this Regulation is subject to the conditions —

(*a*) that a draft of the bye-laws is published in Our Government Gazette ;

(*b*) that the draft shall not be further proceeded with until after the expiration of a period of one month from the publication thereof or of such longer period as the Council may appoint ; and

(*c*) that for at least one month during such period a printed copy of the draft shall be kept at the Municipal Office for public inspection and all persons permitted to peruse the same at any reasonable time free of charge.

Publication of Rules, By-laws and Regulations.

Publications of bye-laws of rules.

346. (1) When any rule or byelaw has been made under this Regulation, it shall be published in our Government Gazette in English and in Malayalam.

(2) The Commissioner shall cause all rules and bye-laws in force to be printed in the said languages and shall cause printed copies thereof to be sold to any applicantion payment of a fixed price.

Publication of Regulations.

347. Regulations made under this Regulation shall be published in such manner as the Council may determine.

Exhibition of bye-laws, rules and regulations.

348. (1) Printed copies of bye-laws under Section 341, clauses (viii) (*b*) (*c*) (*d*) and (ix) shall be affixed at the entrances to, or elsewhere in the street, park or other place affected thereby in such conspicuous manner as the Commissioner may deem best calculated to give information to the persons using such place.

(2) Printed copies of other bye-laws and of the rules and regulations shall be hung up in some cospicuous part of the Municipal Office. The Commissioner shall also keep affixed in a like manner in places of public resort, markets, slaughter houses and other places affected thereby copies of such portions of the rules,. bye-laws and regulations as may relate to those places.

(3) No Municipal officer or servant shall prevent any person from inspecting at any reasonable time copies so exhibited.

(4) No person shall, without lawful authority, destory, pull down, injure, or deface any copies exhibited as above or any board to which the copies have been affixed.

CHAPTER XV—PENALTIES.

General provisions regarding penalties specified in the Schedules

349. (1) Whoever—

(*a*) contravenes any provision of any of the Sections or rules of this Regulation specified in the first column of schedule V ; or

(*b*) contravenes any rule or order made under any of the said Sections or rules ; or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said Sections, or rules ;

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of any of the Sections or rules of this Regulation specified in the first column of Schedule VI ;

(*b*) contravening any rule or order made under any of the said Sections or rules ; or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said Sections, or rules ; continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be ;

shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation— The entries in the second columns of Schedules V and VI headed "subject" are not intended as definitions of the offences described in the Sections, sub-section, clauses or rules mentioned in the first column of even as abstracts of those Sections, sub-sections, clauses or rules, but are inserted merely as references to the subject of the Sections, sub sections, clauses or rules as the case may be.

Penalty for voting when pecuniarily interested and acting as councillor when disqualified.

350. If a councillor votes in contravention of Section 34, or acts as councillor when disqualified under Section 53, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

351. If the Commissioner or any Municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employee or servant, any personal share or interest in any contract or employment with, by, or on behalf of the Municipality be shall be deemed to have committed the offence punishable under Section 160 of the Travancore Penal Code;

Penalty for acquisition by Municipal officer of interest in contract or work.

Provided that no person shall, by reason of being shareholder in, or member of, any company, be held to be interested in any contract between such company and the Municipality unless he is a director of such company.

352. (1) Every owner or person in charge of any vehicle or animal liable to tax under Section 115 who omits to obtain, within 15 days of the service of a bill on him, a licence under Section 120 shall, on conviction, be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

Penalty for omission to take out licence for vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this Section shall apply to any person who, having compounded for the payment of a certain sum under Section 118, fails to pay such sum and the amount due for a licence shall in such case be taken as the amount so compounded for.

353. Any person who wilfully prevents distraint or sufficient distraint of property subject to distraint for any tax due from him, shall, on conviction by a magistrate be, liable to a fine not exceeding twice the amount of the tax, found to be due.

Penalty for wilfully preventing distraint.

354. If the consrtuction or reconstruction of any building or well—

Penalty for unlawful building.

(*a*) is commenced without the permission of the Commissioner, or

(*b*) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(*c*) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Regulation or any rule or bye-law made under it, or of any direction or requisition lawfully given or made, or

if any alterations or additions required be any notice issued under Section 237 or Section 248 are not duly made, or

if any person to whom a direction is given by the Commissioner to alter or demolish a building or well under Section 249 fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a well or hut to fifty rupees and in the case of any other building to five hundred rupees, and to a further fine which may extend in the case of a well or hut to ten rupees, and in the case of any other building to one hundred rupees, for each day during which the offence is proved to have continued after the first day.

Notice to scavengers before discharge.

355. (1) In the absence of a written contract to the contrary, every scavenger employed by the Municipality shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the Municipality in the absence of a written contract authorising him so to do, and without reasonable cause, resigns his employment or absent himself from his duties without giving one month's notice to the Municipality or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other Municipal servents.

(3) Our Government may by notification direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any other specified class of Municipal servents whose functions concern the public health or safety.

Wrongful restraint of Commissioner and his delegates.

356. Every person who prevents the Commissioner, or any person to whom the Commissioner has lawfully delegated his power from exercising his power of entering on any land or into any building shall be deemed to have committed an offence under Section 341 of the Travancore Penal Code.

PART VI.

CHAPTER XVI—PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, registrations and permissions.

357. (1) Every licence or permission granted under this Regulation or any rule or bye-law made under it shall specify the period, if any, for which and the restrictions, limitations and conditions subject to which the same is granted, and shall be signed by the Commissioner.

(2). For every such licence or permissison fees may be charged at such rate as may be sanctioned by the Council save as otherwise expressly provided or may be prescribed under this Regulation.

(3) Every order of the Commissioner refusing to grant a licence or permission shall state the grounds on which it proceeds.

(4) Subject to the special provisions regarding building in Chapter X and private markets in Chapter XII, and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal, any licence or permission granted under this Regulation or any rule or bye-law made under it may at any time be suspended or revoked by the Commissioner, if any of its restrictions, limitations, or conditions is evaded or infringed by the grantee or if the grantee is convicted of a breach of any of the provisions of this Regulation or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(5) It shall be the duty of the Commissioner to inspect places in recpect of which a licence or permission is required by or under this Regulation, and he may enter any such place between sunrise, and sunset, and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time ; and if he has reason to believe that anything is being done in any place without a licence or permission, where the same is required by or under this Regulation, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws, regulations, any condition of a licence or permission or any lawful direction is being contravened and no claim shall lie against any person for any damage or inconvenience caused by the exercise of powers under this sub section by the Commissioner or any person to whom he has lawfully delegated his powers or by the use of any force necessary for effecting an entrance under this sub-section.

(6) When any licence or permission is suspended or revoked, or when the period for which it was granted or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Regulation or any rule or bye-law made under it be deemed to be without a licence or permission until the Commissioner's order suspending or revoking the license or permission is cancelled by him, or subject to sub-section (10), until the license or permission is renewed, as the case may be.

(7) Every grantee of any licence or permission shall, at all reasonable times, while such licence or permission remain in force, produce the same at the request of the Commissioner.

(8) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or registration required by the provisions of this Regulation or by any rule or bye-law made under this Regulation the magistrate shall in addition to any fine which may be imposed recover summarily and pay over to the Municipality the amount of the fee chargeable for the licence or permission or for registration and may in his discretion also recover summarily and pay over to the Municipality such amount, if any, as he may fix as the costs of the prosecution.

(9) Such recovery of the fee under sub-section (8) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(10) The acceptance by the Municipality of the prepayment of the fee for a licence or permission or for registration shall not entile the person making such prepayment to the licence or permission or to registration, as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration : but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed ; and save as otherwise specially provided in this Regulation if orders on an application for a licence or permission or for registration are not communicated to the applicant within forty-five days after the receipt of the application by the Commissioner, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from Commissionor to Standing Committee.

358. (1). An appeal shall lie to the Standing Committee from—

(*a*) any notice issued or other action taken or proposed to be taken by the Commissioner—

(i) under Sections 171, 178, 179, 180, 182, 237, 249 (3), 251 (1), 252 (1), 257 (1), 258, 259, 266, 275, 276, 277, 282 and 283 ; or

(ii) under any bye-law concerning house-drainage or the connection of house drains with municipal drains, or house-connections with water-supply or lighting mains ;

(*b*) any refusal by the Commissioner to approve a building site under Section 230, to grant permission to construct or reconstruct a building under Section 231 or 243, or

(*c*) any refusal by the Commissioner to grant a permission under Sections 174, 255, 282 (2), or

(*d*) any refusal by the Commissioner to grant a licence under Sections 275, 281, 284, 289, 293, or 298 (2), or

(*e*) any order of the Commissioner made under Section 357, sub-section (4) suspending or revoking a licence, or

(*f*) any other order of the Commissioner that may be made appealable by rules under Section 339.

(2) The decision of the Standing Committee on any such appeal shall be final.

Limitation of time for appeal.

359. In any case in which no time is laid down in the foregoing provisions of this Regulation for the presentation of an appeal allowed thereunder, such appeal must be presented within thirty days aftet the date of the order or proceeding against which the appeal is made.

Commissioner's power to summon.

Summons to attend and give evidence or produced documents

360. The Commissioner may summon any person to attend before him, and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence, or permission under the provisions of this Regulation.

Procedure.

Form of notice and permissions.

361. All notices and the permissions given issued, or granted as the case may be under the provisions of this Regulation must be in writing.

Proof of consent of Municipal authorities or Municipal officer.

362. Whenever under this Regulation or any rule, bye-law or regulation made under it the doing or omitting to do anything or the validity of anything depends upon the approval, sanction, consent, concurrence, declaration, opinion or satisfaction of—

(a) the Council, a Standing Committee, or the Commissioner or

(b) any Municipal officer,

a written document signed in case (a) by the Commissioner and in case (b) by the said Municipal officer, purporting to convey or set forth such approval, sanction, consent, concurrence, declaration, opinion or satisfaction, shall be sufficient evidence thereof.

Signature of documents.

363. (1) Every licence, permission, notice, bill, schedule, summons, or other document which is required by this Regulation or by any rule, bye-law or regulation made under it to bear the signature of the Commissioner or of any Municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such Municipal officer, as the case may be, stamped thereupon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the Municipal Fund or to any contract.

Publication of notices.

364. Every public notice given under the provisions of this Regulation or of any rule, bye-law, or regulation made under it shall be widely made known in the locality affected thereby—

(a) by affixing copies thereof in conspicuous public places within the said locality, or

(b) by publishing the same by beat of drum, or

(c) by any two or more of such means, and in any other way that the Commissioner may think fit.

Service or sending of Notices, etc.

Method of serving documents.

365. (1) When any notice or other document is required by this Regulation, or by any rule, bye-law, regulation or order made under it to be served on or sent to any person the service or sending thereof may be effected—

(a) by giving or tendering the said document to such person; or

(b) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the City and his address elsewhere is known to the Commissioner, by sending the same to him by Post or Anchal registered; or

(d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land it shall not be necessary to name the owner or occupier in the ducument, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

Relation of Occupier to Owner.

Recovery by occupier or sum leviable from owner.

366. If any rent, tax or sum leviable under this Regulation from the owner is recovered from the occupier, such occupier shall be entitled to recover the same from the owner and may deduct it from the rent then or thereafter due by him to the owner.

Obstruction of owner by occupier.

367. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Regulation the Commissioner may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

(2) Such owner shall, for a period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default.

Execution of work by occupier in default of owner.

368. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Regulation or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the Commissioner, execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Commissioner's powers of entry.

Power of entry to inspect, survey or execute the work.

369. The Commissioner may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, mersurement or valuation, or for the purpose of placing or removing meters, instruments, pipes or apparatus, or to execute any other work which is authorised by the provisions of this Regulation or of any rule, bye-law, regulation or order made under it, or which it is necessary for any of the purposes of this Regulation or in pursuance of any of the said provisions, to make or execute:

Provided that—

(*a*) except when it is in this Regulation otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Regulation otherwise expressly provided, no dwelling house, and no public building or hut which is used as a dwelling-place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least twenty-four hours' previous notice of the intention to make such entry;

(*c*) sufficient notice shall be in every case given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy may be preserved; and

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

370. (1) The Commissioner may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorised by this Regulation or by any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The Commissioner shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The Commissioner shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but shall do as little damage as may be and shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the Commissioner, he may appeal to the Standing Committee, whose decision shall be final.

Commissioner's power to execute in default.

Time for complying with order and power to enforce in default.

371. (1) Whenever by any notice, requisition, or order under this Regulation or under any rule, bye-law or regulation made under it, any person is required to execute any work, or to take any measures or do anything, a reasonable time shall be named in

such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition or order is not complied with within the time so named, then whether or not a fine is provided for such default and whether or not the person in default is liable to punishment or has been prosecuted or sentenced to any punishment for such default, the Commissioner may cause such work to be executed or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid.

Recovery of expenses from persons liable and limitation on liability of occupier.

372. (1) The Commissioner may recover any expenses incurred under Section 371 from the person or any one of the persons to whom the notice, requisition or order was addressed.

(2) Notwithstanding anything contained in sub-section (1) no occupier shall at any time be called upon to pay any greater sum in respect of such expenses than the amount of rent then due by him, but if the rent so due is less than the sum demanded, he shall thereafter, as each fresh instalment of rent falls due become liable to pay a sum not exceeding the amount of such instalment until the whole of the expenses are paid.

(3) The burden of proof that the sum demanded of any such occupier is greater than the rent then or thereafter due by him shall be on the said occupier.

(4) The occupier may recover from the owner or deduct from the rent payable by him to the owner so much as is paid by or recovered from him under this Section.

(5) The provisions of this Section shall not affect any contract made between any owner and occupier respecting the payment of expenses of any such work as aforesaid.

Power of Commissioner to agree to receive payment of expenses in instalment.

373. Instead of recovering any such expenses as aforesaid in the manner provided under Section 378, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

Power to declare expenses on certain works improvement expenses.

374. If the expenses to be recovered have been incurred or are to be incurred in respect of any work mentioned,—

(a) in Section 162, Section 171, Section 211, Section 257, sub-sections (1) and (2), Section 262, Section 266 or Section 300, or

(b) in any rule made under this Regulation in which this Section is made applicable to such expenses.

The Commissioner may, if he thinks fit and with the approval of the Standing Committee, declare such expenses to be improvement expenses.

Improvement expenses by whom payable.

375. (1) Improvement expenses shall be a charge on the premises, in respect of which or for the benefit of which the same shall have been incurred and shall be recoverable in instalments of such amounts, and at such intervals as will suffice to discharge such expenses together with interest thereon, within such period not exceeding twenty years as the Commissioner may in each case determine.

(2) The said instalments shall be payable by the owner or occupier of the premises on which the expenses are so charged :

Provided that when the occupier pays any such instalment he shall be entitled to deduct the amount thereof from the rent payable by him to the owner or to recover the same from the owner.

Redemption of charge for improvement expenses.

376. At any time before the expiration of the period for the payment of any improvement expenses, the owner or occupier of the premises on which the expenses are charged may redeem such charge by paying to the Commissioner such part of the said expenses as are still payable.

Relief to agents and trustees.

377. (1) Where an agent, trustee, guardian, manager or receiver would be bound to discharge any obligation imposed by this Regulation, or of any rule, bye-law, regulation or order made under it for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the principal or beneficial owner sufficient for the purpose.

(2) The burden of proving the facts entitling any person to relief under this Section shall lie on him.

(3) When any person has claimed and established his right to relief under this Section, the Commissioner may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the principal or beneficial owner, as the case may be ; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the Municipality.

378. All costs, damages, penalties, compensation, charges, expenses, contributions and other sums not recoverable under the rules in Part VI of Schedule II, which under or by virtue or in pursuance of this Regulation or any other law are directed to be paid by the person to the Municipality, shall be demanded by bill or notice as provided in the said Rules and may be recovered in the manner provided in those rules unless within fifteen days from the date of the service of the bill or notice such person shall have applied to the District Court of Trivandrum under Section 379.

Recovery of sums due as taxes.

379. Where in any case not provided for in Section 386 any Municipal authority or any person is required by or under this Regulation or any rule, bye-law or regulation made under it to pay any damages, penalties, compensation, charges or expenses or contributions, the amount or apportionment of the same shall, in case of dispute, be ascertained and determined except as is otherwise provided in Section 323, Section 370 and in the Land Acquisition Regulation, XI of 1089, by the District Court of Trivandrum on application made to it for this purpose at any time within one year from the date when such damages, penalties, compensation, charges or expenses or contributions first became claimable.

Determination by District Court of sums payable.

380. (1) On any application under the provisions of Section 379 the said District Court shall summon the other party to appear before it.

Proceedings before District Court.

(2) On the appearance of the parties or, in the absence of any of them, on proof of due service of the summons, the said District Court may hear and determine the case.

(3) In every such case the said District Court shall determine the amount of the cost and shall direct by which of the parties the same shall be paid.

381. (1) If the sum due on account of damages, penalties, compensation, charges, expenses, contributions and the costs ascertained in the manner described in Section 380 is not paid by the party liable within seven days after demand, such sum may be recovered under a warrant of the Court by distress and sale of the movable property of such party.

Recovery of sums payable by distress.

(2) The balance, if any, of the proceeds of such sale after satisfying such amount and the costs of the distress and sale shall be returned on demand, if made within twelve months, to the party whose goods have been distrained.

Provisions regarding Municipal Prosecutions.

382. Subject to the provisions of Section 69 no prosecution for any offence against any of the provisions of this Regulation or any rule, bye-law, regulation or order made under it shall be instituted except on the authority of the Commissioner.

Prosecutions by Commissioner.

383. (1) No person shall be liable to be tried for any offence against any of the provision of this Regulation, or of any rule, bye-law, regulation or order made under it, unless complaint is made before a magistrate within six months after the commission of the offence:

Period of limitation for making complaints.

Provided that failure to take out a licence, obtain permission or secure registration under this Regulation shall for the purposes of sub-section (1) be deemed a continuing offence until the expiration of the period, if any, for which the licence, permission or registration is required, and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

384. All offences against this Regulation, or against any rule bye-law, regulation or order made under it, whether committed within or without the City, shall be cognizable by a magistrate having jurisdiction in the City and such magistrate shall not be deemed to be incapable of taking cognizance of any such offence, or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any Municipal rate or other tax or of his being benefited by the Municipal Fund to the credit of which any fine imposed by him will be payable.

Cognizance of offences.

385. (1) In case any fine, costs or other sum of money imposed or assessed by a magistrate under this Regulation or under any rule, bye-law or regulation made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in Sections 53 to 59 (both inclusive) of the Travancore Penal Code.

Imprisonment in default of payment and application of fines.

(2) Any fine, costs or other sum imposed by a magistrate under this Regulation or under any rule, bye-law or regulation made under it shall be recoverable by such magistrate under the Code of Criminal Procedure as if it were a fine and the same shall on recovery be paid to the Municipality.

386. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Regulation or against any rule, bye-law or regulation made under it and by reason of such act or omission damage has been caused to any property of the Municipality the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the Commissioner not later than three months from the date of conviction; and, in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor.

Payment of compensation for damage to Municipal property.

Legal Proceedings in General.

387. Nothing herein contained shall preclude the Municipality from suing in a civil court for the recovery of any tax, duty, toll or other amount due under this Regulation.

Recovery of tax, etc., by suit.

388. (1) No suit for damages or compensations shall be instituted against the Municipality or any Municipal authority, officer or servant, or any person acting under the direction of the same in respect of any act done in pursuance or in execution or intended execution of this Regulation or any rule, bye-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Regulation or any rule, bye-law, regulation or order made under it until the expiration of one month after a notice has been delivered or left at the Municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff and the plaint shall contain a statement that such notice has been so delivered or left.

Institution of suits against Municipal authorities and officers and agents.

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred

after such tender and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the Commissioner, a Municipal officer or servant, payment of the sum or any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the sanction of the Standing Committee, from the Municipal Fund.

Provision respecting institution, etc., of civil and criminal actions and obtaining legal advice.

389. Subject to the provisions of Section 69 the Commissioner may—

(*a*) take, or withdraw from, proceedings against any person who is charged with

(i) any offence against this Regulation, the rules, bye-laws or regulations ; or

(ii) any offence which affects or is likely to affect any property or interest of the Municipality or the due administration of this Regulation ; or

(iii) committing any nuisance whatsoever ;

(*b*) compound any offence against this Regulation, the rules bye-laws or regulations which may by rules made by Our Government be declared compoundable ;

(*c*) defend himself if sued or joined as a party in any proceedings in respect of the conduct of elections or in respect of the electoral roll ;

(*d*) defend, or compromise any appeal against an assessment or tax ;

(*e*) take, withdraw from or compromise proceedings under Sections 379 and 386 for the recovery of expenses or compensation claimed to be due to the Municipality ;

(*f*) withdraw or compromise any claim for a sum not exceeding one hundred rupees against any person in respect of a penalty payable under a contract entered into with such person by the Commissioner, or with the approval of the Standing Committee any such claim for any sum exceeding one hundred rupees ;

(*g*) with the approval of the Council, defend any suit or other legal proceedings brought against the Municipality or against any Municipal authority, officer or servant, in respect of anything done or omitted to be done by them, respectively, in their official capacity ;

(*h*) with the approval of the Standing Committee, compromise any claim, suit or other legal proceedings brought against the Municipality or against any Municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid ;

(j) with the approval of the Standing Committee institute and prosecute any suit or withdraw from or compromise any suit or claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Municipality or of the Commissioner ; and

(k) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or, he may be desired by the Council or the Standing Committee to obtain for any of the purposes mentioned in the foregoing clauses of this Section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any Municipal authority, officer or servant.

Protecting Clauses.

Indemnity to Municipal authorities officers and agents.

390. No suit shall be maintainable against any Municipal authority, officer, or servant or any person acting under the direction of any Municipal authority, officer or servant, or of a magistrate, in respect of anything in good faith done under this Regulation or any rule, bye-law, regulation or order made under it.

Liability of Commissioner and councillors for loss, waste or misapplication.

391. (1) The Commissioner and every councillor shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Municipality if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct and a suit for compensation may be instituted against him by the Council with the previous sanction of Our Government.

(2) Every such suit shall be commenced within one year after the date on which the cause of action arose.

(3) When the Commissioner or any councillor is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of Our Government.

Effect of informalities.

392. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, summons, warrant or other document issued under this Regulation or the rules or bye-laws made under it may at any time as far as possible be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill,

summons, warrant or other document invalid or illegal nor to render any person executing or serving any such document a trespasser, if the provisions of this Regulation, the rules and bye-laws have in substance and effect been complied with.

(3) No act of a Municipal authority or of a Municipal officer or servant shall be deemed to be invalid or illegal by reason only of a defect in the constitution of the Municipality or in any election or appointment:

Provided always that any person who sustains any special damage by reason of any informality, clerical error, omission, or other defect shall be entitled to recover compensation for the same by suit.

Police.

Duties of Police Officers.

393. It shall be the duty of every Police Officer,

(*a*) to communicate without delay to the proper Municipal officer any information which he receives of the design to commit or of the commission of any offence under this Regulation or any rule, bye-law or regulation made under it;

(*b*) to assist the Commissioner or any Municipal officer or servant or any person to whom the Commissioner has lawfully delegated powers reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such Municipal officer or servant or person under this Regulation or any such rule, bye-law or regulation; and

(*c*) to assist any person employed in the collection of tolls in cases of resistance to the lawful authority of such person;

and for all such purposes he shall have the same powers which he has in the exercise of his ordinary police duties.

Power of Police Officers to arrest persons.

394. (1) If any Police Officer sees any person committing an offence against any of the provisions of this Regulation or of any rule, bye-law or regulation made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

395. Our Government may empower any Municipal servant or any class of Municipal servants to exercise the powers of a Police Officer for the purposes of this Regulation.

Exercise of power of Police Officer by Municipal servants.

Miscellaneous.

396. Every Municipal officer or servant, every contractor or agent for the collection of any Municipal tax, toll, or fee, and every person employed by any such contractor or agent for the collection of such tax, toll, or fee, shall be deemed to be a public servant within the meaning of Section 15 of the Travancore Penal Code.

Application of term "public servant" to Municipal officers, agents and sub-agents.

397. No person shall obstruct or molest any person with whom the Commissioner has entered into a contract on behalf of the Municipality in the performance of his duty or of anything which he is empowered or required to do by virtue or in consequence of this Regulation or of any rule, bye-law, regulation or order made under it.

Prohibition against obstruction of Municipal contractor.

398. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Regulation or by any rule, bye-law, regulation or order made under it.

Prohibition against removal of mark.

399. No person shall, without authority in that behalf remove, destroy, deface, or otherwise obliterate any notice exhibited by or under the orders of the Municipality.

Prohibition against removal or obliteration of notice.

400. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in, or on any land vested in the Municipality or river, estuary, canal, backwater, or water-course (not being private property), or in any way obstruct the same.

Prohibition against unauthorised dealings with public place or materials.

401. Our Government or the Municipal Council with the sanction of Our Government may exempt any person or class of persons from the payment in whole or in part of any tax or fee payable under this Regulation or the rules, bye-laws or regulations passed thereunder.

Power to exempt taxation or fees.

402. The rules and tables embodied in Schedule II shall be read as part of Chapter V.

Rules in Schedule I.

Transitional and Transitory Provisions.

Passing of property and rights to Municipality as reconstituted.

403. All property and all interests of whatever kind owned by, vested in or held in trust by or for the Municipality with all rights of whatever kind used, enjoyed or possessed by the Municipality as constituted under the Travancore Municipal Regulation, V of 1095, as well as all liabilities legally subsisting against the said Municipality shall pass to the Municipality as constituted under this Regulation.

Procedure for recovery of arrears of taxes, etc.

404. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to the Municipality at the time this Regulation comes into force may be recovered as though they hand accrued under this Regulation.

Commencement of Regulation.

405. This Regulation shall come into force on such date as Our Government may by notification direct:

Provided that the power to make or approve rules, bye-laws and regulations may be exercised at any time after the passing of this Regulation and that any election or appointment of councillors or members of the Standing Committee under this Regulation or under the rules made under this Regulation may, notwithstanding anything in sub-clause (v) of clause (*b*) of sub-section (1) to Section 52, be held or made at any time after such passing, but no such election or appointment shall take effect until the commencement of this Regulation.

Provisions for first constitution of Municipality under Regulation.

406. In their application to the term of office and the election and appointment of councillors, the provisions of this Regulation shall be read subject to the following modifications:

(*a*) the term of office of the President, of the other councillors holding office under the Travancore Municipal Regulation, V of 1095, shall expire on such date or dates after the commcenement of this Regulation as Our Government shall determine; and Our Government shall make appointments and cause arrangements for election to be made under this Regulation so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former councillors, and the Commissioner appointed under this Regulation on the date fixed for the retirement

of the President appointed under the Travancore Municipal Regulation, V of 1095, such date not being later than the date fixed fo the retirement of the remaining councillors holding office under the Travancore Municipal Regulation, V of 1095, and until they so come into office the President, and the councillors, appointed or elected under the Travancore Municipal Regulation, V of 1095, shall have all the powers and be subject to all the duties respectively of the Commissioner, the councillors, and the Standing Committees, under this Regulation;

(*b*) on or as soon as may be after the constitution of the Council under this Regulation a meeting shall be held on a day and at a time fixed by the Commissioner, and if not held on that day, shall be held on some subsequent day fixed by the Commissioner, for the election of a President of the Council, and of Standing Committees under this Regulation; and

(*c*) the first meeting of each Standing Committee elected for the first time under this Regulation shall be held on a day at a time fixed by the Commissioner.

SCHEDULE I.

Rules regarding proceedings of the Council and Committees.

(*See Section 31.*)

THE COUNCIL.

1. A general meeting of the Council shall be held at the Municipal office every month on such day and at such hour as the President shall fix.

2. The President shall cause notice of every general meeting and of the business to be transacted thereat to be sent to every councillor and published in the Municipal office at least six clear days before the day of the meeting, but it shall be competent to him for good and sufficient reasons to alter the day or hour of the meeting at any time before the day originally fixed, provided that he shall intimate the alteration to the councillors and publish it in the Municipal office.

3. At each of the general meetings held in the months of Chingam, Vaischikam, Kumbham and Edavam, the President shall place before the Council a statement of receipts and disbursements on account of the Municipal Fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place.

4. (1) The President may call a special meeting of the Council at the Municipal office, whenever he thinks fit, and shall call such a meeting on receiving a request in writing signed by eight councillors specifying a resolution which it is proposed to move.

(2) No special meeting shall be held unless at least four clear days' notice, specifying the purpose for which such meeting is to be held and the date and hour thereof, has been given by a communication addressed to each councillor and by publication in the Municipal office.

5. If the office of President is vacant the duties assigned to the President by Rules 1 to 4 above shall be performed by the Commissioner.

6. (1) All acts authorised to be done and all questions authorised to be decided by the Council shall, save as otherwise provided in this Regulation, be done or decided by a majority of the councillors present and voting at a meeting.

(2) The President shall in case of equality of votes have a second or casting vote.

7. (1) No business shall be transacted at any meeting unless there is a quorum.

(2) Ten councillors at a general meeting and fifteen at a special meeting shall constitute a quorum.

8. (1) Minutes of the proceedings of the Council shall be entered in a book to be called the minute-book, and shall be signed by the President after each meeting.

(2) The minute-book shall be open at the Municipal office at all reasonable times to the inspection of any councillor without payment and to the inspection of any other person on payment of a fee of half a rupee.

9. (1) The Council may appoint from among its own number committees for the purpose of inquiring into and reporting on any matter which is reserved by this Regulation for the decision of the Council.

(2) By a resolution supported by not less than half the whole number of councillors, the Council may add to any committee so appointed persons who are not councillors, but who may possess special qualifications in regad to the matter to be inquired into;

Provided shat the number of persons so appointed shall not exceed one-half of the number of councillors appointed to serve on the committee.

(3) The proceedings of every such committee shall be recorded in writing and submitted to the Council.

THE STANDING COMMITTEES.

10. Each Standing Committee shall meet at the Municipal office at least once a month on such day and at such hour as the Committee shall from time to time determine.

11. The Chairman of a Standing Committee may at any time call a meeting of the Committee and shall do so within forty-eight hours of the receipt of a requisition signed by the Commissioner or by three members of the Committee and stating the business to be transacted.

12. No business shall be transacted at any meeting of a Standing Committee unless there is a quorum of three.

13. All questions shall be decided by a majority of the members present and voting, the Chairman having a second or casting vote when there is an equality or votes.

14. Minutes of the proceedings of each Standing Committee shall be entered in books and shall be signed by the Chairman. Minute books shall be placed before the Council at ruch times as it may appoint.

15. In any case in which two or more Standing Committees have passed conflicting decisions, and such conflict has not been adjusted or otherwise dealt with by a conference of such Committees or a joint Committee as provided in sub-section (1) to Section 20, the Commissioner shall submit a report to the President who shall place the subject before a meeting of the Council and pending the resolution of the Council, the Commissioner shall withhold all action in regard to the matter at issue.

16. Any member of a Standing Committee, other than the President of the Council, who fails to attend, two consecutive meetings, shall cease to be a member of it, but may be re-elected by the Council.

SCHEDULE II.

Taxation Rules.

(See Section 402.)

Part I.

Assessment of the Property Tax.

(See Sections 98—108)

1. The Commissioner shall prepare and maintain property tax registers in such form and in such parts and sections as he sees fit, provided that such registers shall record the following particulars, in so far they can be ascertained, with regard to each assessable item :

(*a*) the serial number, description and name (if any) of the item ;

(*b*) the name of the division and of the street, if any, in which it is situated ;

(*c*) the name of the owner ;

(*d*) the name of the occupier ;

(*e*) the annual value ; and

(*f*) the amount of the tax payable.

2. (1) When the registers are complete in respect of any division or part of a division, the Commissioner shall give public notice stating where, and between what hours, such registers may be inspected.

(2) The owner or occupier of any land or building included in such registers or the agent of any such owner or occupier shall be permitted to inspect the said registers and to take extracts therefrom free of charge, and any other person shall be permitted to inspect the said registers and to take extracts therefrom on payment of a fee of one rupee on each occasion.

3. The Commissioner shall amend the property tax registers by altering, adding or deleting, items as circumstances may require.

4. In every case in which any building or land is assessed for the first time, the Commissioner shall give the owner or occupier special notice of the assessment.

5. In every case in which the assessment on any building or land is increased otherwise than in consequence of the enhancement by the Council at the rate at which the property tax is leviable, the Commissioner shall give the owner or occupier special notice stating the amount or the increase and the reasons therefor.

6. When the Commissioner makes an amendment under rule 3, it shall be deemed to have taken effect from the earliest date in the current year on which the circumstances justifying the amendment existed ; no instalment of the property tax at the revised rate shall, however, be payable until fifteen days after the service or sending of the notice required by Rule 4 or Rule 5.

PART II.

ASSESSMENT OF COMPANIES.

(See Section 109.)

7. Companies shall be assessed by the Commissioner on the following scale :—

	Paid-up capital. *Lakhs of rupees*	Half-yearly tax. Rs.
A.	Ten and more than ten, but less than twenty	... 500
B.	Five and more than five, but less than ten	... 250
C.	Three and more than three, but less than fiive	 150
D	Two and more than two, but less than three	... 100
E.	One and more than one, but less than two	... 50
F.	Less than one	... 30

Provided that any company, the head office or a branch or principal office of which is not in the City and which shows that its gross income received in or from the City has not in the year immediately preceding the year of taxation exceeded—

	Rs.
(*a*) twenty-five thousand rupees shall pay only ...	125
(*b*) fifteen thousand rupees shall pay only ...	75
(*c*) five thousand rupees shall pay only ...	25

ASSESSMENT FOR PROFESSION TAX.

(*See Section 110*.

.. Persons shall be assessed by the Commissioner to the profession tax under the following classes on a scale to be determined by the Council from time to time :

Provided that such a scale shall be subject to the maximum and minimum specified against each class and shall proceed proportionately either to the maximum or the minimum scale :—

Tax on persons holding appointments for exercising professions, arts, trades, and callings.

	Half yearly. Maximum.	Minimum.
	Rs.	Rs.
Class I.		
(1) All persons holding any appointment upon a monthly salary of five thousand rupees or upwards (2) All other persons exercising any profession, trade, art or calling, or their agents or servants in their absence	250	175
Class II.		
(1) All persons holding any appointment upon a monthly salary which amounts to three thousand or upwards but is less than five thousand rupees (2) All other persons described in class I, but not assessed under class I	150	105
Class III.		
(1) All persons holding any appointment upon a monthly salary which amounts to two thousand or upwards but is less than three thousand rupees (2) All other persons described in class I, but not assessed under class I or II	100	70
Class IV.		
(1) All persons holding any appointment upon a monthly salary which amounts to one thousand or upwards but is less than two thousand rupees (2) All other persons described in class I, but not assessed under any of the previous classes	45	30

	Half-yearly tax. Maximum. Rs.	Half-yearly tax. Minimum. Rs.
Class V.		
(1) All persons holding any appointment upon a monthly salarly which amounts to seven hundred and fifty or upwards but is less than one thousand rupees (2) All other persons described in class I, but not assessed under any of the previous classes	35	25
Class VI.		
(1) All persons holding any appointment upon a monthly salary which amounts to five hundred or upwards but is less than seven hundred and fifty rupees (2) All other persons described in class 1, but not assessed under any of the previous class	20	15
Class VII.		
(1) All persons holding any appointment upon a monthly salary which amounts to two hundred or upwards but is less than five hundred rupees (2) All other persons described in class I, but not assessed under any of the previous classes	12	8
Class VIII.		
(1) All persons holding any appointment upon a monthly salary which amounts to one hundred or upwards but is less than two hundred rupees (2) All other persons described in class I, but not assessed under any of the previous classes	4	2
Class IX.		
All hotel-keepers, lodging, boarding, or eating or refreshment-house keepers and shopkeepers not assesed under any of the previous classes	2	1

9. (1) The Commissioner may classify all persons liable under Rule 8, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income tax paid to Government. The Commissioner shall not call for accounts of any assessee, but any person may produce his accounts to show that the net income derived by him from the exercise of his profession, art, trade or calling within the City falls below the lowest limit of salary entered at the head of the class in which the Commissioner has placed him and the Commissioner shall revise the assessment if satisfied that the person should be placed in a different class.

(2) The Commissioner may exempt any person falling within the ninth class on the ground of his poverty.

PART III.

TAX ON CARRIAGES AND ANIMALS,

See Section 115.

10. (*a*) The tax on carriages and animals shall be levied at half-yearly rates not exceeding those shown in the following table :—

	Half-yearly instalment.	
	Rs.	sh.
For every motor or steam vehicle with metal tyres constructed to carry 2 tons or more	100	0
Additional charge for each trailer	60	0
For every motor or steam vehicle with cushion or solid rubber tyres constructed to carry two tons or more	75	0
For every motor or steam vehicle constructed to carry 1 ton or more but less than 2 tons	60	0
For every motor or steam vehicle constructed to carry less than 1 ton	50	0
Additional charge for each trailer with cushion or solid rubber tyres	30	0
Additional charge for each trailer with pneumatic tyres	25	0
For every motor or steam vehicle constructed to carry 1 ton or less than 2 tons	50	0
For every motor bus or charabanc constructed to carry 15 or more persons	75	0
For every motor bus or charabanc constructed to carry less than 15 persons but more than 7 persons	50	0
For every four weeled motor vehicle constructed to carry not more than 7 persons but more than 3 persons and plying for hire	25	0
For every four-wheeled motor vehicle constructed to carry not more than 7 persons but more than 3 persons and not plying for hire	20	0
For every four wheeled motor vehicle constructed to carry 3 or less persons	15	0
For every motor tricycle and every motor bicycle with or without side car	10	0
For every four wheeled vehicle constructed to be drawn by one or more animals	5	0
For every two-wheeled vehicle constructed to be drawn by one or more animals	2	0
For every other bicycle or tricycle	2	0
For every other carriage not being a child's perambulator or go cart	2	0
For every elephant	6	0
For every motor boat or steam launch plying for hire and carrying more than 6 passengers	50	0
For every other motor boat or steam launch	15	0
For every cabin boat	2	14
For every horse, mule or pony	2	0
For every bull, bullock, male buffalo, assor dog	1	0

(*b*) If, within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in clause (*a*), he shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriage or animal during the half-year.

Part IV.

Tolls.

(*See Section 128.*)

11. (*a*) Tolls shall be levied at the rates shown in the following tables :—

	Rs.	ch.	c.
On every motor or steam vehicle constructed to carry one ton or more .	2	0	0
On every trailor attached thereto .	1	0	0
On every motor bus constructed to carry 15 or more passengers .	2	0	0
On every motor vehicle constructed to carry more than 7 but less than 15 passengers .	1	0	0
On every other four-wheeled motor vehicle .	0	14	0
On every motor tricycle and every motor bicycle with or without side-car .	0	7	0
On every motor boat or steam launch plying for hire or carrying more than 6 passengers .	2	0	0
On every other steam boat or steam launch .	0	14	0
On every cabin boat .	0	7	0
On every bicycle or tricycle .	0	3	8
On every other carriage or boat .	0	3	8
On every horse, buffalo, bull, bulluck or ass .	0	2	0
On every *vallam* .	0	2	0
On every elephant .	0	14	0
On every camel .	0	7	0

(*b*) Payment of a toll in respect of any vehicle covers the animal engaged in drawing it.

(*c*) Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from midnight to midnight.

Part V.

Revision of Assessment.

(*See Section 402.*)

12. Any assessee who is dissatisfied with the assessment of any tax under this Regulation may make an application in writing to the Commissioner for the remission of such assessment stating the grounds of his objection thereto.

13. No application for revision under Rule 12 shall be admitted—

unless the application has reached the Municipal office—

(i) in the case of the property-tax, within fifteen days from the publication of the public notice referred to in Rule 2 or from the receipt of the special notice referred to in Rule 4 or Rule 5, and in the case of companies and profession taxes, within fifteen days from the date of service of the notice prescribed by Section 112, and

(ii) in the case of any other tax, within seven days from the date of demand.

Explanation.—The preferring or pendency of an application for revision shall not—

(*a*) bar the collection, or

(*b*) operate as a stay of proceedings to enforce the payment of the assessment prevailing prior to the proposed enhancement or of any tax levied for the first time.

14. Where on an application for revision of assessment the applicant is dissatisfied with the order proposed to be made by the Commissioner thereon, the application shall be heard and decided by the Standing Committee copy of whose decision shall be sent to the applicant by the Commissioner within two days thereof.

15. (*a*) An appeal shall lie to the District Court of Trivandrum against any decision of the Standing Committee under Rule 14, but no such appeal shall be heard by the said Court unless—

(i) a notice of intention to appeal has been given to the Commissioner within ten days from the date of the decision, and

(ii) the petition of appeal has been presented within fourteen days from the date of the decision and the tax has been paid within the said period.

Explanation.—In the case of a tax leviable by half-yearly instalments the requirements of clause (ii) as to payment of the tax shall be deemed to have been satisfied if the half-yearly instalment due under the order appealed against has been paid.

(*b*) The Court may for sufficient cause excuse dealy in the presentation of an appeal.

(*c*) The notice of intention to appeal shall state the name, occupation and residence of the appellant or of his attorney or vakil (if any) and the grounds of appeal.

(*d*) The appellant shall not, except with the leave of the Court, urge or be heard in support of any ground of objection which has not been set forth in his notice of intention to appeal.

16. The Court may direct who shall bear the costs of an appeal under the above rule.

17. The Court may, if it thinks fit, state a case of any appeal for the decision of the High Court and shall do so whenever a question of law is involved, if either the Commissioner or the appellant applies in writing in that behalf within fifteen days from the decision of the Court and deposits such sum as the court thinks necessary to defray the cost of the reference.

18. (*a*) The High Court may pass such order as it thinks fit on a reference under Rule 17.

(*b*) Upon production of a copy of the order passed under clause (*a*) the Court shall proceed to dispose of the case in conformity with the terms of the order, and may direct who shall bear the costs of the appeal and reference.

(*c*) In the event of the amount of any tax being reduced or remitted, the Commissioner shall grant a refund accordingly.

19. Subject to the result of any application, appeal or reference made as hereinbefore provided, the assessment of any tax shall be final.

PART VI.

COLLECTION OF TAXES.

(*See Section 402.*)

20. In the case of every assessment to any tax, the commissioner shall cause a bill to be served on or sent to the person liable for the tax :

Provided that in the case of the companies, and profession tax the notice given under Section 112 of the Regulation shall be deemed sufficient.

21. Such bill shall contain—

(*a*) particulars of the demand,

(*b*) notice of the liability incurred in default of payment, and

(*c*) notice of the time within which any application for revision may be preferred.

22. If within fifteen days from the serving or sending of such bill the tax is not paid, and the omission to pay is not accounted for to the satisfaction of the Commissioner, the tax, together with all costs, may be levied under a warrant issued by the Commissioner—

(i) by distress and sale of the movable property of the defaulter—

(ii) if the defaulter is the occupier of any building or land in respect of which a tax is due, by distress and sale of any movable property which may be found in or on such building or land :

Provided always no movable property that is not liable to attachment and sale under Section 52 of the Code of Civil Procedure, 1100, shall be liable to distraint.

23. Under a special order in writing of the Commissioner any officer charged with the execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated to women until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

24. The officer charged with the execution of a warrant of distress shall make an inventory of the property seized and shall at the same time give notice of sale to the person in possession of the said property at the time of seizure.

25. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

26. (*a*) If the amount due under the warrant together with the incidental expenses aforesaid is not paid within the time mentioned in the notice of sale, the property seized or a sufficient portion thereof may be sold by public auction under the orders of the Commissioner who shall apply the proceeds, or such part thereof as may be necessary, in payment of the sum due, including all expenses as aforesaid.

(*b*) If the property seized is perishable, or if the expense of keeping it will, together with the amount of the tax due, exceed the value of the property, the Commissioner shall forthwith sell the property after giving notice of sale to the person in possession at the time of seizure.

(*c*) The surplus, if any, shall be paid to the person in possession of the property distrained at the time of its seizure if application is made within twelve months from the date of sale, if no such application is made, the surplus shall be forfeited to the Municipality.

(*d*) Neither the Commissioner nor any Municipal officer or servant shall directly or indirectly purchase any property at any such sale.

27. (*a*) Fees shall be levied on distraints under this Regulation with reference to the value of the property distrained and according to the rates specified in the following table :—

Value of property.		*Amount of fee.*		
		Rs.	chs.	c.
Under ten rupees	..	0	4	0
Ten and under twenty-five rupees	..	0	7	0
Twenty-five and under fifty rupees	...	1	0	0
Fifty and under one hundred rupees	..	2	0	0
One hundred rupees and upwards	..	3	0	0

(*b*) Fees levied under this Rule are not intended to cover the cost of maintaining any livestock distrained.

28. (*a*) The movable property of a defaulter may be distrained wherever it may be found within Travancore.

(*b*) if it is necessary to distrain property outside the limits of the City, the Commissioner shall address his warrant to such public servant having local jurisdiction as Our Government may by general or special order direct.

(*c*) Such public servant shall execute the warrant himself or cause it to be executed by some person subordinate to himself.

(*d*) Subject to the modifications set out in the following clauses, the provisions of Rules 23 to 27 (both inclusive) shall apply to the execution of the warrant and the disposal of the sale proceeds.

(*e*) For the purpose of action under Rule 23, no special order in writing of the Commissioner shall be required, but if the public servant to whom the warrant is addressed charges any subordinate with the execution thereof, he shall furnish such subordinate with a special order in writing to that effect, and such subordinate shall then have authority to take action under the rule.

(*f*) For the purpose of action under Rule 26, the public servant to whom the warrant is addressed may, without further orders from the Commissioner, sell or direct the sale of the property seized and shall on completion of the sale transmit the proceeds to the Commissioner, subject to such deduction, if any, as may be necessary to meet expenses incurred locally.

(*g*) It shall be unlawful for such public servant himself or for any person subordinate to him to purchase directly or indirectly any property at any such sale.

29. If the property tax due in respect of any building or land remains unpaid after a bill has been duly sent to or served on the owner thereof, the Commissioner may demand such sum from the occupier of the said building or land, and, in default of payment thereof, may recover it from him in the manner provided in Rule 22.

Provided that no arrears due from the owner for more than one year shall be so rocovered from the occupier.

PART VII.

MISCELLANEOUS.

(*See Section 402.*)

30. The Commissioner shall keep separate accounts of all moneys received and expended for any purpose connected with (*a*) the water and drainage tax, and (*b*) the lighting tax.

31. For the purposes of Parts V and VI of these Rules the expression 'tax' includes payments due by way of composition for a tax.

SCHEDULE III.

Financial Rules.

(*See Section 135.*)

PART I.

Authorised expenditure.

1. The objects on which the Municipal Fund may be spent include those expressly declared obligatory by laws or rules, those which the laws or rules expressly give the Municipality a discretion to undertake, and, in general, all matters necessary for, or conducive to the safety, health, convenience or education of the citizens of Trivandrum or the amenities of the City and all matters incidental to the administration.

2. The objects of expenditure connected with the public safety include the following :—

(*a*) Lighting of public streets and the provision, purchase, exploitation and maintenance of gas, electric or other undertakings for lighting public and private streets, places and buildings.

(*b*) Extinction of fires.

(*c*) Control, supervision or removal of dangerous places, buildings, trades and practices.

(*d*) Regulation of traffic.

(*e*) Prevention and removal of obstructions in streets or public places.

3. The subjects of expenditure connected with the public health include the following :—

(*a*) The construction and maintenance of hospitals and temporary places of reception within or without the City for the treatment of infectious diseases occurring in the City; building hospitals and dispensaries and places of reception for the sick in general ; contributing towards hospitals, dispensaries or places of reception provided by Our Government; contracting for the use of a hospital or part of a hospital, dispensary, or place of reception; combining with any other local authority or with Our Government to provide a common hospital, dispensary or place of reception; sending indigent inhabitants of the City to institutions outside the City for treatment ; the training of health officers ; medical subordinates, sanitary inspectors and analysts ; the training of nurses and the provision of nurses for attendance on patients suffering

from infectious diseases at the houses of such persons ; vaccination and the training and supervision of vaccinators and the provision of lymph ; the registration of births and deaths ; and other measures of a like nature.

(*b*) The construction, establishment, maintenance, supervision and control of public markets and slaughter-houses ; of latrines ; of drains and drainage works ; of sewage farms ; of tramways and other works for the removal of sewage ; of water works, drinking fountains, tanks and wells ; of wash-houses or *dhobikhanas* ; of parks, squares and gardens ; the reclamation of unhealthy localities ; and other sanitary measures of a like nature.

(*c*) The cleansing and watering of streets and drains ; scavenging ; the removal of excessive or noxious vegetation ; the abatement of all nuisances.

(*d*) The regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria ; and the provision of sites for and the closing of burial and burning grounds ; the provision of new sites for offensive and dangerous trades and of special locations for factories ; the acquisition of congested areas and the provision of new sites to relieve congestion or to provide for the growth of population ; improvement and reclamation of land, planning, surveying and control of town extensions, whether within or without the Municipal limits ; redistribution of sites in such extensions, and all measures of a like nature.

4 The objects of expenditure connected with the public convenience, amenities and education include :—

(*a*) The construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like ; the regulation of building ; the construction of model dwellings ; the removal of projections and encroachments ; the naming of streets ; the numbering of houses ; the planting and preservation of trees in public streets and places ; the maintenance of public monuments.

(*b*) The construction, maintenance, alteration and adornment of public halls and theatres ; the acquisition and maintenance of recreation grounds, playing-fields and promenades.

(*c*) Subject to all provisions of law the construction, maintenance, purchase or exploitation of tramways and other transport services, railways not included, grass farms, dairies, public bakeries and other industrial concerns of public utility, whether within or without the Municipal limits, and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concern.

(*d*) The employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals ;

(*e*) The provision and maintenance of zoological and horticultural gardens.

(*f*) The provision and maintenance of public libraries and reading-rooms, museums, art galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture.

(*g*) The provision and maintenance of public baths and bathing places.

(*h*) The provision of music for the people.

(*i*) The provision and mâintenance of public clocks and clock-towers or of a time gun.

(*j*) The construction and maintenance of school-houses.

(*k*) Primary education.

(*l*) Technical and industrial education.

(*m*) The training of teachers.

(*n*) The provision of standard weights and measures, and of public weighing places.

(*o*) The holding of exhibitions or fairs.

(*p*) The provision and maintenance of rest-houses, choultries, almshouses, poor-houses, pounds and other works of public utility.

(*q*) The organisation and maintenance of health associations.

(*r*) The organisation and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

5. The objects of expenditure incidental to the administration include :—

(*a*) The provision and maintenance of a principal Municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance.

(*b*) Salaries, allowances, liveries, pensionary and provident fund contributions, gratuities and pensions, and the cost or hire of vehicles for the Commissioner and the Municipal officers and servants ; study leave allowances of professional officers and subordinates ; sending Municipal servants to any hospital or institute for treatment ; the purchase of provisions and other necessaries for sale to Municipal subordinates.

Explanation.—'Salary' for the purpose of this Rule shall include the privilege, if any, granted by the Municipality of receiving payments in kind in lieu of whole or a portion of the salary by purchas-

ing articles from the Municipality at such prices as the Municipality may fix from time to time.

(*c*) Stationery, printing and all office and advertising expenses including the cost of reporting the discussions of the Councils.

(*d*) Legal expenses.

(*e*) The expenses of conducting elections.

(*f*) Auditor's fees.

(*g*) The provision and maintenance of Municipal workshops.

(*h*) Municipal surveys, the preparation of maps of the City and of proposed extensions.

(*i*) The preparation and maintenance of a record of rights in immovable property.

(*j*) The acquisition of land for all or any of the purposes of the Regulation.

6. If the expenditure incurred by any other local authority in Travancore for any purpose described in these Rules is such as to benefit the inhabitants of the City, the Commissioner may, with the sanction of the Council, contribute towards such expenditure.

7. The Commissioner may, with the sanction of the Council, contribute towards the expenses of any public exhibition, ceremony, or entertainment in the City.

8. The Commissioner may, with the sanction of the Council, defray the cost of the preparation and presentation of addresses to persons of distinction.

9. The Commissioner may, with the sanction of the Council and of Our Government contribute to any charitable fund or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of the diseased or infirm persons or the investigation of the causes of disease or incur any other extraordinary charges.

PART II.

Receipts and Payments.

10. All moneys received by the Municipality shall be lodged in the Trivandrum Divisional Treasury or, with the sanction of Our Government, in any bank, and shall be credited to an account entitled the "Municipal Fund Account."

11. All orders or cheques against the Municipal Fund shall be signed by the Commissioner and the Treasury or the bank in which the Fund is lodged shall, so far as the funds to the credit of the Municipality admit, pay all orders or cheques against the fund which are so signed.

12. The payment of any sum out of the Municipal Fund may be made or authorised by the Commissioner if such sum is covered by a budget grant and a sufficient balance of such budget grant is available.

13. The payment of any sum out of the Municipal Fund may be made or authorised by the Commissioner in the absence of budget provision in the case of—

(*a*) refunds of taxes and other moneys authorised by law, rule, bye-law or regulation ;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal Fund by mistake ;

(*c*) costs incurred by the Commissioner in the exercise of his powers under Section 11 of the Regulation ;

(*d*) sums payable under Section 43, sub-section (1), clause (*c*), and Section 147, sub-section (2) of the Regulation ;

(*e*) sums payable under a decree or order of a civil court passed against the Municipality or under a compromise of any suit or legal proceeding or claim ;

(*f*) any sum which the Commissioner is required by law, rule, bye-law or regulation to pay by way of compensation or expenses ;

(*g*) the salary payable to a special health officer appointed under Section 88 of the Regulation ; and

(*h*) expenses incurred by the Commissioner under Section 327, sub-section (3), and expenses lawfully incurred in anticipation of recoupment from a person liable under any provision of law :

Provided that the Commissioner shall forthwith communicate the circumstances to the Standing Committee which shall take any action that may in the circumstances be necessary or expedient to cover any expenditure not covered by a budget grant.

14. The Commissioner shall not overdraw.

Part III.

Audit, surcharge and disallowance.

15. The auditors appointed under Section 134 shall maintain and keep a continuous audit of the Municipal accounts.

16. The Commissioner shall submit all accounts to the auditors as required by them.

17. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts ;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them ;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

18. The auditors shall—

(*a*) report to the Standing Committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Municipality or in the Municipal accounts ;

(*b*) furnish to the Standing Committee such information as the said Committee may require concerning the progress of their audit ;

(*c*) report to the Standing Committee any loss or waste of money or other property owned by or vested in the Council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible for such loss or waste ; and

(*d*) submit to the Standing Committee a final statement of the audit and a duplicate copy thereof to Our Government within a period of three months from the end of the financial year, or within such other period as Our Government may notify.

19. The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the Council.

20. (1) The auditors shall disallow every item contrary to law and surcharge the same on the person making or authorising the

illegal payment ; and shall charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish a copy thereof to the person against whom it is made.

21. Any person aggrieved by disallowance, surcharge or charge made, may within fourteen days after he has received or been served with the decision of the auditor, apply to the District Court of Trivandrum, to set aside such disallowance, surcharge or charge and the Court, after taking such evidence as is necessary may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application any person so aggrieved may appeal to Our Government who shall pass such orders as they think fit.

22. Every sum certified to be due from any person by auditors under this Regulation shall be paid by such person to the Commissioner within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the Court or to Our Government against the decision ; and such sum if not so paid, or such sum as the Court or Our Government shall declare to be due, shall be recoverable on an application to the Court in the same way as an amount decreed by the Court.

23. The Municipality shall pay to the auditors out of the Municipal Fund such remuneration as Our Government may determine.

Part IV.

Form of Accounts.

24. The Council shall made regulations, subject to the approval of Our Government to provide for—

(*a*) the form in which the budget estimates, budget statements and returns of the Municipality shall be kept ; and

(*b*) the form in which the accounts of the Municipality shall be kept.

SCHEDULE IV.

Purposes for which premises may not under Section 281 be used without a licence.

(*See Section 281.*)

Storing, packing, pressing, cleansing, preparing or manufacturing by any process whatever—

ammunition,
chemical preparations,
chlorate mixture,
fire-work,
fulminate of mercury,
gas,
gun-cotton,
gun-powder,
lime,
matches,
nitro-compound
nitro-glycerine,
nitro-mixture,
saltpetre,
sulphur,
blood,
bones,
camphor,
catgut,
cotton,
cotton refuse,
cotton seed,
fat,
fins,
fish,
hair,
hides,
hoofs,
horns,
leather.
lime-shells,
manure,
meat.
offal,
oil,
pitch,
skins,
tallow,
tar,
turpentine,
wool,
cocoanut fibre,
flax,
hemp,
jute,
rosin,
spirits,
surkhi.

Packing, pressing, cleansing, preparing or manufacturing, by any process whatever—

pottery, candles, cement, dyes, soap, sugar, sugar-candy, flour silk, paper.

Manufacturing articles from which offensive or unwholesome smells, fumes, or dust arise.

Boiling camphor or oil.

Breaking or hammering iron and manufacturing articles out of iron.

Beating metals.

Casting metals gilding ; electroplating.

Dyeing clothes.

Washing soiled clothes and keeping soiled clothes for the purpose of washing them and keeping washed clothes.

Manufacturing carpets.

Manufacturing bricks and tiles.

Manufacturing condiments.

Manufacturing or distilling sago.

Baking or preparing bread, biscuits or confectionery (for other than domestic use.)

Manufacturing ice.

Manufacturing aerated waters.

Provided that no license shall be required for the storage only of any of the articles mentioned in this Schedule in such limited quantities as may from time to time be fixed by the Commissioner.

SCHEDULE V.

Ordinary Penalties.

[*See Section 349 (1).*]

1	2	3	4
Section or Rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
105	(1) & (3)	Failure to give notice of transfer of title or to produce documents .	Twenty-five rupees
106	..	Failure to send notice to Commissioner after Completion of construction or reconstruction of building .	Twenty-five rupees
108	(1)	Failure of owner or occupier to furnish return of rent, etc. .	Fifty rupees.
113	..	Failure of owner or occupier to furnish list of persons liable to tax .	Fifty rupees.
114	..	Failure of employer or his representative to furnish list of persons liable to tax .	Fifty rupees.
119	..	Failure of occupier to obey requisition to furnish statement of vehicles and animals lible to taxation or furnishing incorrect statement etc. .	Five rupees.
121	(1)	Failure to obey order to affix register number of carriage .	Five rupees.
123	(1)	Failure of owner to register cart .	Five rupees
"	(3)	Failure to have or keep registration number affixed to cart .	Five rupees.
131	..	Attempt to evade payment of toll .	Twenty-five rupees
160	..	Trespassing on premises connected with water-supply .	Twenty-five rupees.
162	..	Failure to maintain house connections in conformity with bye-laws and regulations .	Twenty-five rupees
163	(2)	Failure to obey requisition to make house connection .	Twenty-five rupees.
"	(3)	Occupying or allowing occupation of house without proper water-supply .	Twenty-five rupees

1		2	3
Section or Rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
170	..	Failure to maintain house-drains, etc., in conformity with bye-laws and regulations .	Twenty-five rupees.
171	(2) & (3)	Failure to obey requisition as to house drainage .	Do.
	(4)	Occupying or allowing occupation of house without proper drainage .	One hundred rupees.
173	1 (b)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain .	Twenty five rupees.
174	..	Unlawful construction of building over public drain .	Fifty rupees.
175	.	Failure to obey requisition regarding culverts or to keep them free from obstruction .	Twenty-five rupees.
176	..	Failure to obey requisition to maintain troughs and pipes for catching, etc, water from roof or other part of building .	Do.
178	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order .	Do.
179	..	Failure to provide latrines for permises used by large numbers of people or to keep them clean and in proper order	Fifty rupees.
180	..	Failure to obey requisition to provide latrines for market, cattle stand or cart-stand, or to keep them clean and in proper order .	Do.
181	..	Failure to construct latrines so as to screen persons using them from view	Ten upees.
183	..	Making connection with mains without permission	One hundred rupees.
187	(1)	Failure of occupier to obey direction to collect rubbish and filth and deposit them in a box or basket or other receptacle of his own or near premises	Five rupees
,,	(2)	Failure to obey direction to collect rubbish and filth accumulating in latrine and to deposit in Municipal carts .	Do.
,,	(3)	Failure to obey direction to collect rubbish and filth and deposit them in public receptacle .	Do.
188	(a)	Failure to obey direction to collect and remove rubbish and filth accumulating on business premises .	Do.
194	(1)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours .	Ten rupees.
,,	(2)	Irregular deposit of rubbish or filth .	Five rupees.
,,	(3)	Irregular removal of rubbish or filth .	Ten Rupees.
,,	(4)	Deposit of rubbish or filth in unauthorised place.	Do.
,,	(5)	Keeping rubbish or filth for more than twenty-four hours, etc. .	Five rupees.
,,	(6)	Allowing filth to flow in streets .	Ten rupees.
201	..	Building within street alignment or building line without permission .	Five hundred rupees.

1	2	3	4
Section or Rule	Sub-section or clause	Subject.	Fine which may be imposed.
207	..	Unlawful displacement, etc., of payment or fences, posts, and other materials of public street .	Twenty-five rupees.
209	..	Unlawful making or laying of new street .	Two hundred and fifty rupees.
211	..	Failure to obey requisition to metal, etc, private street .	Fifty rupees.
213	..	Building wall or erecting fence, etc, in a street	Fifty rupees.
214	..	Allowing doors, ground-floor windows, etc., to open outwards without licence or contrary to notice .	Ten rupees
215	..	Failure to remove permanent encroachment .	One hundred rupees.
216	..	Failure to remove temporary encroachments .	Twenty-five rupees.
218	..	Unlawful removal of bar, or storing of timber, etc., or removal or extinction of light .	Do.
219	(1)	Unlawful making of hole or placing of obstruction in street .	Do.
,,	(3)	Failure to remove obstruction .	Do.
220	..	Construction, etc , of building without licence where street or footway is likely to be obstructed .	Do.
,,	..	Failure to fence, etc., such building while under repair .	Do.
221	(3)	Unlawful destruction, of name of street .	Ten rupees.
222	(2)	Unlawful destruction, etc , of number of building	Do.
,,	(3)	Failure to replace number when required to do so.	Do.
226	..	Construction of external roof, etc, with inflammable materials .	Twenty-five rupees.
247	..	Failure to keep external walls of premises in proper repair .	Ten rupees
251	..	Failure to obey requisition to take down, repair or secure dangerous structure .	Two hundred and fifty rupees.
252	..	Failure to obey requisition to secure, lop, or cut down dangerous tree .	Twenty-five rupees.
253	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood .	Do.
254	..	Failure to obey notice regarding precautions against fire .	Fifty rupees.

1	2	3	4
Section or Rule	Sub-section or clause	Subject.	Fine which may be imposed.
255	(1)	Constructing well, etc, without permission .	Twenty-five rupees.
"	(3)	Failure to obey notice to fill up or demolish well, etc. .	Twenty-five rupees.
256	..	Failure to obey requisition to stop dangerous quarry ng .	Fifty rupees.
257	..	Failure to obey requisition to fill up, etc., tank or well, or drain off water, etc. .	Twenty-five rupees.
258	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking .	Twenty-five rupees.
260	..	Unlawful washing and fishing in river, or estuary after prohibition or contrary to regulations .	Ten rupees.
261	(a)	Unlawful bathing in certain places .	Twenty-five rupees.
"	(b)	Unlawful washing of animals, etc. in certain places .	Twenty-five rupees.
"	(c)	Unlawful throwing of animal, etc., into the water in certain places .	Twenty-five rupees.
"	(d)	Fouling of water in certain places .	Twenty-five rupees.
262	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises .	Twenty five rupees.
263	..	Failure to obey requisition to clear or cleanse, etc, building or land in filthy state or overgrown with prickly-pear or other noxious vegetation .	Twenty-five rupees.
264	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall .	Twenty-five rupees.
265	..	Failure to obey requisition to lime-wash or otherwise cleanse building .	Twenty-five rupees.
266	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings .	Fifty rupees in the case of masonry building and twenty-five rupees in the case of hurt.

1	2	3	4
Section or Rule	Sub-section or clause.	Subject.	Fine which may be imposed.
267	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition .	Ten rupees for each day.
,,	(4)	Failure to obey requisition to demolish the same.	Ten rupees for each day
268	(1)	Allowing overcrowding in building after order to abate the same .	Ten rupees for each day.
,,	(4)	Failure to obey requisition to vacate overcrowded building or room .	Ten rupees for each day.
273	(*a*)	Unlawful keeping of pigs .	Ten rupees.
,,	(*b*)	Unlawful keeping of animal so as to be a nuisance or danger .	Ten rupees.
,,	(*c*)	Feeding of animals on filth .	Ten rupees.
275	..	Use of place as stable, cattle-stand, etc. without licence or contrary to licence .	Twenty-five rupees.
277	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Regulation or subsidiary legislation .	Twenty-five rupees.
279	..	Failure to remove carcass of animal .	Ten rupees.
280	..	Use of places for public entertainment without licence .	Two hundred rupees.
281	(3)	Use of place without licence or contrary to license	One hundred rupees.
282	(1)&(2)	Unlawful erection of steam-boiler or machinery .	Five hundred rupees.
,,	(3)	Disobedience of order regarding chimneys .	Two hundred and fifty rupees.
283	(*a*)	Disobedience of order regarding hours of work .	Fifty rupees.
,,	(*b*)	Using rice husk, etc., for fuel after prohibition .	Fifty rupees.
,,	(*c*)	Using steam-whistle, etc. after prohibition .	Twenty-five rupees.
284	..	Use of place for sale or storage of timber, fire-wood, or other combustible without licence or contrary to licence .	Fifty rupees
287	(2)	Washing of clothes by washermen at unauthorised places .	Ten rupees.
289	..	Use of place as slaughter-house without licence or contrary to licence .	One hundred rupees.
291	..	Slaughter of animals for sale or food or skinning or cutting up carcases without licence or contrary to licence or drying skin so as to cause a nuisance .	Ten rupees for every animal, carcass or skin.

1	2	3	4
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
293	..	Carrying on milk trade without licence or contrary to licence .	Twenty-five rupees.
296	..	Sale or exposure for sale in public market of animal or article of food without licence or contrary to licence .	Twenty-five rupees.
297	(2)	Opening private market without licence or contrary to licence .	Two hundred and fifty rupees.
298	..	Keeping open private market without licence or contrary to licence .	Two hundred and fifty rupees.
299	..	Sale or exposure for sale of animal or article in unlicensed private market .	Twenty-five rupees.
300	..	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc. .	Twety-five rupees.
301	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works .	Twenty five-rupees for each day.
302	..	Breach of market regulations .	Twenty-five rupees.
303	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc. .	Fifty rupees.
304	..	Sale of article in public streets after prohibition or contrary to regulations .	Ten rupees.
307	..	Preventing the Commissioner or any person authorised by him from exercising his powers of entry, etc., under Section 306 .	Twenty five rupees.
309	..	Removing or in any way interfering with an animal or article secured under Section 308	Two hundred and fifty rupees.
315	(4)	Use or allowance of use of unlicenced burial or burning ground .	Two hundred and fifty rupees.
"	(4)	Use or allowance of use of unregistered burial or buring ground .	Fifty rupees.
316	..	Failure to give information of burials or burnings in burial or burning ground .	Ten rupees.
317	..	Construction of vault or grave or burial of corpse in place of public worship .	Two hundred and fifty rupees.
318	(3)	Burial or burning in place after prohibition .	One hundred rupees

1		2	3
Section or Rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
319	..	Burial or burning in place contrary to Regulation or by-laws .	Twenty-five rupees.
320	..	Discharge of office of grave digger or attendent at place for disposal of dead without licence ,	Ten rupees.
323	..	Failure of medical practitioner or owner or occupier to give information of existence of dangerous disease in private or public dwelling .	Twenty-five rupees.
327	.	Failure to obey requisition to cleanse or disinfect building or article .	Twenty-five rupees.
329	(2)	Washing of infected articles at unauthorised places .	Twenty-five rupees.
330	..	Giving, lending, etc., of infected articles .	Twenty-five rupees.
331	(1)	Entry of infected person into public conveyance without notifying fact of infection .	Twenty-five rupees.
332	(1)	Failure to disinfect public conveyance, etc. .	Twenty-five rupees.
"	(2)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled ,	Twenty-five rupees.
333	..	Letting or sub-letting of infected building without certificate from the Health Officer.	One hundred rupees.
334	..	Failure to close place of public entertainment .	One hundred rupees.
335	..	Sending infected child to school .	Twenty-five rupees.
336	...	Use or permitting use of book from public or circulating library by infected person .	Twenty-five rupees.
338	..	Failure to give information of small-pox .	Twenty-five rupees.
348	(3)	Prevention of inspection of copies of rules and by-laws publicly exhibited .	Twenty-five rupees.
"	(4)	Destruction, etc. of board exhibiting printed copies of bye-laws and rules .	Twenty-five rupees.
357	(7)	Failure to produce licence on request .	Five rupees.
360	..	Failure to obey requisition to attend, produce document or give evidence .	Fifty rupees.

1	2	3	4
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
367	..	Failure of occupier to obey requisition to permit owner to comply with provisions of Regulation .	Twenty-five rupees for each day.
397	..	Obstructing or molesting Municipal contractor, etc. .	One hundred rupees.
398	..	Removing mark set up for indicating level, etc. .	One hundred rupees.
399	..	Removing, etc., of notice exhibited by or under orders of the Municipality .	Twenty-five rupees.
400	..	Unlawful removal of earth, sand or other material from land vested in the Municipality or deposit of matter or encroachment in or on river, estuary, etc. .	Twenty-five rupees.
Schedule III, Rule 17.	..	Failure to obey requisition by auditors to attend, give evidence or produce document .	Fifty rupees.

SCHEDULE VI.

PENALTIES FOR CONTINUING BREACHES.

(See section 349.)

1	2	3	4
Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
162	..	Failure to maintain house connections in conformity with bye-laws and regulations	Five rupees.
163	(2)	Failure to obey requisition to make house-connection	Do.
170	..	Failure to maintain house-drains, etc. in conformity with bye-laws and regulations	Ten rupees
"	(2) & (3)	Failure to obey requisition as to house-drainage	Do.
171	(4)	Occupying or allowing occupation of house without proper drainage	Twenty rupees.
176	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building	Ten rupees.
178	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order	Do.
179	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order	Twenty rupees
180	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order	Do.
194	(1) & (5)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours	Ten rupees.
201	..	Building within street alignment or building line without permission	One hundred rupees.
215	..	Failure to remove permanent encroachment	Ten rupees.
216	..	Failure to remove temporary encroachment	Five rupees.
219	(1)	Unlawful making of hole or placing of obstruction in street	Ten rupees.
220	..	Construction, etc., of building without license where street or foot-way is likely to be obstructed	Do.
226	..	Construction of external roof, etc., with inflammable materials	Do.
247	..	Failure to keep external walls of premises in proper repair	Do.
253	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood	Do.
254	..	Failure to obey notice regarding precautions against fire	Do.

1	2	3	4
Section or rule.	Sub-section or clause	Subject	Daily fine which may be imposed.
256	...	Failure to obey requisition to stop dangerous quarrying .	Ten rupees.
257	...	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc., .	Do.
258	...	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking .	Do.
262	...	Failure to obey requisition to enclose clear or cleanse untenanted premises .	Do.
263	...	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with prickly-pear or other noxious vegetation .	Do.
264	..	Failure to obey requisition to fence building or land, or trim, prune, or cut hedges and trees or lower an enclosing wall .	Do.
265	..	Failure to obey requisition to lime wash or otherwise cleanse building .	Do.
266	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings .	Ten rupees in the case of masonry building and five rupees in the case of hut.
273	(a)	Unlawful keeping of pigs .	Five rupees.
	(b)	Unlawful keeping of animal so as to be a nuisance or danger .	Do.
275	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence .	Ten rupees.
277	..	Construction or maintenance of stable, cattleshed etc., contrary to Regulation or subsidiary legislation .	Do.
279	...	Failure to remove carcase of animal .	Five rupees.
280	..	Use of place for public entertainment without license .	Fifty rupees.
281	(3)	Use of place without licence or contrary to licence	Do.
282	(1) & (2)	Unlawful erection of steam-boiler or machinery .	One hundred rupees.
"	(3)	Disobedience of order regarding chimneys .	Fifty rupees.
283	(a)	Disobedience of order regarding hours of work .	One hundred rupees
284	..	Use of place for sale or storage of timber, firewood or other combustible, without licence or contrary to licence .	Ten rupees.
289	..	Use of place as slaughter-house without licence or contrary to license .	Fifty rupees.
293	..	Carrying on milk trade without license or contrary to license .	Five rupees.

1	2	3	4
Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
297	(2)	Opening a private market without license or contrary to license .	One hundred rupees.
298	..	Keeping open private market without license or contrary to license .	Do.
299	..	Sale or exposure for sale of animal or article in unlicensed private market .	Twenty rupees.
302	..	Breach of market regulations .	Ten rupees.
303	...	Carrying on butcher's, fishmonger's or poulterer's trade without license, etc., .	Do.
327	..	Failure to obey requisition to cleanse or disinfect building or article .	Do.
Schedule III, Rule 17.	..	Failure to obey requisition by auditors to attend, give evidence or produce document .	Seventy rupees.

Statement of Objects and Reasons.

The enactment that now governs the working of the municipality of the capital city of Trivandrum, as also of the mufussil municipalities, is Regulation V of 1095. It has been found that the provisions of this Regulation are not, in many respects, suitable enough to meet the increasing needs of the Trivandrum city or to stimulate the efficient progress of its municipal administration, and representations have been made to Government by the Trivandrum Municipal Council and on behalf of the Council that a separate Regulation should be passed as regards the Trivandrum city on the lines of the Madras City Municipal Act 1919 (Madras Act IV of 1919). This Bill is accordingly prepared generally on the lines of that enactment. The more important of the new features proposed to be introduced by this Bill are detailed below :—

1. The strength of the Council will be increased. The Council has now sixteen elected members and eight nominated members. The sixteen elected members represent the twentyfour wards (divisions) of the city. It is proposed to increase the number of the elected members to twenty-four, the intention being that one ward should be represented by one member. The number of nominated members will remain at eight as at present (See clause 5).

2. The sex disqualification will be removed, and both men and women will be equally eligible to be members of the Municipal Council (See clause 52).

3. The Trivandrum municipality has now no non-official President. It is proposed to make provision for that (See clause 28).

4. The chief executive office of the municipality will be vested in an officer of status and responsibility styled "Commissioner" (See clauses 4 and 9 to 12).

5. Standing Committees of the Municipal Council are proposed to be set up, who will be in intimate touch with the executive administration of the municipality (See clauses 4, 19 and 20).

6. There will be three Standing Committees, one for taxation and finance, another for works and a third for health (See clause 6).

7. As regards taxation, two new classes of tax are proposed, as part of the property tax, one a lighting tax and the other a general sanitary tax. The former will be at one per cent. of the annual value of lands and buildings and the latter also at one per cent. (See clause 98). There will be a tax on companies (See clause 97 and 109) but that corresponds to the profession tax which companies have now to pay (See Schedule A to Regulation V of 1105) and the profession tax will not, under this Bill, be levied from a person paying companies tax (See clause 110).

8. Government buildings which are now free of tax will be brought to assessment hereafter and the annual value in the case of Government buildings will be fixed not with reference to the possible rental but with reference to the actual value (See clause 99).

9. The assessment of tax will be subject to appeal to the civil courts (See Schedule II, Part V).

10. The powers of the Council are proposed to be considerably enlarged and the control of Government relaxed to the largest extent possible. Even the Council's annual budget of receipts and expenditure, which under the existing Regulation (Section 251) is subject to sanction of Government, will be finally passed by the Council on its own responsibility (See clause 152).

11. Auditors will however be appointed by Government for the audit of the accounts of receipts and expenditure of the municipality and they will maintain and keep a continuous audit of the municipal accounts (See Schedule III, Part III). Every municipal authority making or authorising illegal payments out of the municipal funds or causing loss to the municipality by negligence or misconduct will be personally liable therefor (See Schedule III, Part III).

Annexure VIII.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

A Regulation to make provision for the better management of the Municipal affairs of Travancore except the City of Trivandrum.

Whereas it is expedient to make better provision for Municipal administration in Travancore; It is hereby enacted as follows :— Preamble

PART I.

Chapter I.—Preliminary.

1. (1) This Regulation may be called "The Travancore District Municipalities Regulation", and shall come into force on... Short title, Commencement and local extent

(2) It extends to the whole of Travancore except the city of Trivandrum within the meaning of the Trivandrum City Municipal Regulation :

Provided, however, should the circumstances of any municipality be such that, in the opinion of Our Government, any of the provisions of this Regulation are unsuited thereto, Our Government may, by Notification, exempt the municipality from the operation of those provisions; and thereupon, the said provisions shall not apply to the municipality until applied thereto by fresh Notification.

While such exception is in force, Our Government may make Rules for the guidance of the Council and Public Officers in respect of the matters excepted from the operation of the said provisions.

2. The Travancore Municipal Regulation (V of 1095) is hereby repealed : Repeal and Saving Clause.

Provided that,—

(i) the said repeal shall not affect the validity or invalidity of anything already done under the repealed enactment ;

(ii) all municipalities constituted, limits defined, Committees established, appointments, Rules, Regulations, bye-laws and orders made, Notifications and notices issued, taxes, tolls, rates and fees imposed or assessed, contracts entered into, and suits and other proceedings instituted, under the Regulation hereby repealed, shall, so far as may be, be deemed to have been respectively constituted, defined, established, made issued, imposed or assessed, entered into, and instituted under this Regulation ; and

(iii) any enactment in force in Travancore, or document referring to the repealed enactment, shall, so far as may be, be construed to refer to this Regulation or to the corresponding portion thereof.

Interpretation Clause.

3. In this Regulation unless there is anything repugnant in the subject or context—

(1) "Appoint" includes to appoint temporarily or in an officiating capacity.

(2) "Appointment" includes temporary or officiating appointments.

(3) "Building" includes any house, hut, out-house, shed, stable, privy, urinal, roofed enclosure and constructions appurtenant thereto, whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever ; and includes a well and a wall, other than a boundary wall not exceeding eight feet in height.

(4) "Building-line" means a line which is in rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend.

(5) "Bye-law" means any bye-law made by the council under the authority of this Regulation.

(6) "Carriage" includes any wheeled vehicle with springs or other appliances acting as springs ; and all kinds of motor cars, motor lorries, motor-omnibuses, motor cycles, bicycles, tricycles, rickshaws, and palanquins.

(7) "Cart" includes any wheeled vehicle which is not a "carriage."

(8) "Casual vacancy" means a vacancy occurring otherwise than by efflux of time, and "casual election" means an election held on the occurrence of a casual vacancy.

(9) "Company" means a company as defined in "The Travancore Companies Regulation, 1092" and includes any firm or association carrying on business in Travancore whether incorporated or not and whether its principal place of business is situated in Travancore or not.

(10) "Election authority" means such authority, not being the chairman or vice-chairman or a councillor, as may be prescribed.

(11) "Filth' includes sewage, night-soil, dung, dirt, putrid and putrifying substances and all offensive matter.

(12) "Guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any lawful authority.

(13) "Hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch, and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Regulation.

(14) "Judge" includes a Munsiff, but not a village Panchayat Court Judge or a Magistrate.

(15) "Latrine" includes privy, water-closet and urinal.

(16) "Municipal Office" means the principal office of any Municipal Council.

(17) "Nuisance" includes any act omission, place or thing which causes or is likely to cause injury, danger, annoyance or, offence to the sense of sight, smell or hearing or which is or may be dangerous to life or injurious to health or property.

(18) "Occupier" includes any person for the time being paying or liable to pay to the owner, the rent on any portion of the rent of the land or building or part of the same in respect of which the word is used.

(19) "Ordinary vacancy" means a vacancy occurring by efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy.

(20) "Owner" includes—

(*a*) the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian, manager or receiver for another person, or for any religious or charitable purpose, the rent or profits of the property, in connection with which the word is used, and

(*b*) the person for the time being in charge of the animal or vehicle, in connection with which the word is used.

(21) "Palanquin" includes tonjons manchils and chairs carried by men by means of posts but not slings or cuts used for the conveyance of children or aged or sick people.

(22) "Prescribed" means prescribed by Our Government by rules made under this Regulation.

(23) "Private Street" means any street, road, square, court, alley, passage or riding path, which is not a public street but does

not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises.

(24) "Public Street" means any street, road, square, alley, passage, or riding-path over which the public have a right of way whether a thoroughfare or not, and includes,

(*a*) the roadway over any public bridge or causeway;

(*b*) the footway attached to any such street, public bridge or causeway; and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, veranda, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to Our Government.

(25) "Public water-courses, spring-wells and tanks" includes those used by the public to such an extent as to give a prescriptive right to such use.

(26) "Reconstruction" of a building includes—

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical contents has been taken down or burnt down, or has fallen down whether at one time or not;

(*b*) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down as to leave only the frame work of the lowest storey;

(*c*) the conversion into a dwelling-house of any building not originally constructed for human habitation or the conversion into more than one dwelling-house

of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory; and

(*d*) the re-conversion into a dwelling-house or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a factory as the case may be.

(27) "Residence"—"Reside". A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and

a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides if he is at liberty to return to such house at any time and has not abandoned his intention of returning.

(28) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth."

(29) "Rules" and "Rule" mean respectively, the Rules made or to be made and notified by Our Government under the authority of this Regulation and any one of such Rules.

(30) "Salary" means pay and acting pay, or payment by way of commission and includes exchange compensation allowances, but not allowances for house-rent, carriage-hire, or travelling expenses.

(31) "Scavenger" means a person employed in collecting or removing filth, in cleansing drains or slaughter-houses or in driving carts used for the removal of filth.

(32) "Street alignment" means a line dividing the lands comprised in and forming part of a street from the adjoining land.

(33) "Tax" shall include any toll, rat , cess, fee or other impost leviable under this Regulation.

(34) "Unprotected child" means a child who has not been protected from small-pox by having had that disease naturally or by inoculation or by having been successfully vaccinated and who has not been certified in the manner hereafter provided to be insusceptible of vaccination.

(35) "Water-course" includes any river, stream or channel, whether natural or artificial.

(36) "Year" means the financial year.

PART II.

ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT MUNICIPALITIES.

CHAPTER II—CREATION AND ABOLITION OF MUNICIPALITIES.

Creation, abolition etc., of municipalities.

4. (1) Our Government may, by Notification in Our Government Gazette, declare their intention—

(*a*) to constitute as a municipality any specified area within defined limits; or

(b) to exclude from a municipality any specified area comprised therein and dened in such notification; or

(c) to include within a municipality any specified area in the vicinity of the same and defined in such notification; or

(d) to abolish any municipality constituted under this Regulation or under the Regulation hereby repealed.

(2) Any inhabitant of the specified area or municipality in respect of which a notification has been published under subsection (1) may, if he desires to object to such constituting, alteration, abolition, or to anything contained therein, submit his objection in writing to Our Dewan within

two months from the publication of the notification, and such objection shall be taken into consideration by Our Dewan.

(3) When two months from the date of the publication have expired and such objections, if any, as may have been submitted under sub-section (2) have been considered, Our Government may, by notification in Our Government Gazette, declare the specified area or any portion of it to be a municipality, or exclude the specified area or any portion of it from the municipality, or include the whole or any portion of it within the municipality, or abolish the municipality as the case may be :

Provided that no notification abolishing a municipality under this sub-section shall be issued without previously intimating to the municipal council the grounds upon which such proposal is made and considering the explanations and objections, if any, of the municipal council.

(4) The notification mentioned in sub-section (3) shall take effect from the date of the notification, or, if any date be specified in the notification for its taking effect, from such date.

Effect of abolition of municipalities.

5. (1) When a municipality is abolished, this Regulation and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Regulation shall cease to apply to the area comprised within the municipality ; the balance of the municipal fund and all other property vested in the council at the time of its abolition shall vest in Our Government; and the liabilities of the council shall be transferred to Our Government.

(2) All properties vested in Our Government under sub-section (1) shall be applied to discharge the liabilities imposed on Our Government by that sub-section or

for the promotion of the safety, health, welfare or convenience of the inhabitants of the area comprised in the municipality.

CHAPTER III

Constitution of Municipal Authorities.

Authorities.

The constitution of council.

6. (1) There shall be constituted for each municipality a council consisting of not less than twelve and not more than twenty-four councillors.

The municipal authorities and their incorporation.

(2) The municipal authorities charged with carrying out the provisions of this Regulation are the council and its chairman.

(3) The council shall by the name of the municipality be a body corporate shall have perpetual succession and a common seal and subject to any restriction or qualification imposed by this or any other Regulation shall be vested with the capacity of suing or being sued in its corporate name, of acquiring or holding and transferring property movable or immovable, of entering into contracts and of doing all things necessary for the purpose of its constitution.

Power of Government over the constitution of councils.

7. (1) Our Government—

(i) shall, by notification, declare

(a) what shall be the maximum number of municipal councillors for each municipality ;

(b) what proportion of the maximum number of councillors in each municipality is to be elected and what proportion to be appointed by Our Government ;

(ii) and may, by notification accompanied by a statement of reasons for making the same, cancel or modify such declaration ;

Provided, however, that the number of elected councillors shall never be less than three-fourths of the maximum number of councillors.

(2) Councillors appointed by Our Government may be officials or non-officials.

(3) When official councillors are appointed they may be appointed by name or by virtue of office.

Term of councillors and filling up of seats

8. (1) If a councillor is appointed by virtue of his office, the person for the time being holding the office shall be a member of the council unless Our Government shall otherwise direct.

(2) The term for which other councillors shall hold office, shall, save as otherwise expressly provided in this Regulation, be three years beginning and expiring at noon on the first day of Medam.

(3) Ordinary vacancies in the office of elected councillors shall be filled at ordinary elections which shall be fixed by the election authority to take place on such day or days in the months of Kumbhom and, Meenam next preceding the vacancies as he thinks fit;

Provided that Our Government may for sufficient cause direct or permit the holding of any ordinary election after the end of Meenam.

(4) A councillor elected at an ordinary election, held after the occurrence of a vacancy, shall enter upon office forthwith but shall hold office only so long as he would have been entitled to hold office if he had been elected before the occurrence of the vacancy.

(5) A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall be fixed by the election authority to take place as soon as may be after the occurrence of the vacancy :

Provided that no casual election shall be held to fill a casual vacancy occurring within three months before the ordinary date of retirement and that such vacancy shall be filled at the next ordinary election.

(6) A councillor elected at a casual vacancy shall enter upon office forthwith, but shall hold office so long only as the councillor in whose place he is elected would have been entitled to hold office if the vacancy had not occurred.

(7) The term of office of every councillor appointed by Our Government shall, save as otherwise provided in this Regulation or expressly stated in the notification of appointment itself, be for a period of three years from the date of Our Government Gazette wherein such notification is published.

(8) Vacancies in the office of appointed councillors shall be filled up by Our Government.

(9) Notwithstanding anything contained in this section, an outgoing appointed councillor shall, unless Our Government otherwise direct, continue in office until the appointment of his successor is notified in Our Government Gazette, and such successor is competent by the notification to assume office.

(10) An outgoing councillor may, if otherwise qualified, be re-elected or re-appointed.

Procedure where no councillor is elected.

9. (1) If at an ordinary or casual election held under Section 8, no councillor is elected, a fresh election shall be held on such day or days as the election authority may fix.

(2) If at such fresh election no councillor is elected, the council may in the manner prescribed, elect a qualified person to fill the vacancy.

(3) The term of office of a councillor elected under this section shall expire at the time at which it would have expired if he had been elected at the ordinary or causal election as the case may be.

Chairman and vice-chairman to be appointed or elected.

10. (1) Our Government may either—

(a) appoint some person to be the chairman of the municipal council, or

(b) direct the council to elect its chairman in accordance with such rules and conditions as may be prescribed by Our Government.

(2) When the chairman is not a member of the council, he shall, during his term of office as chairman which shall be for a period of three years, be ex-officio member of the council irrespective of the strength fixed for the council under Section 7.

(3) Notwithstanding anything contained in sub-section (1), Our Government may, at any time for any reason which they may deem to affect the public interest, direct, by notification, that the chairmanship of any council which is then filled up by election shall thenceforth, when vacant, be filled by Our Government.

(4) The municipal council may, subject to such rules as may be prescribed by Our Government, elect one of its councillors as vice-chairman.

(5) If Our Government issue a direction to the council to elect its chairman or vice-chairman, and the council fails to make an election within two months from the recipt of such direction, a chairman or vice-chairman shall be appointed by Our Government unless a fresh election is directed by Our Government under the provisions of this sub-section.

11. (1) No councillor other than the chairman shall receive or be paid from the funds at the disposal of or under the control of the council any salary or other remuneration for any services rendered by him in any capacity whatsoever.

Chairman alone can receive remuneration.

(2) Subject to the sanction of Our Government the council may fix a salary for the chairman and the amount thereof.

(3) Except as otherwise provided in this Section no chairman shall receive any salary or other remuneration.

12. (1) If a chairman is appointed by Our Government by virtue of his office, the person for the time being holding the office shall be the chairman until Our Government shall otherwise direct.

Term of office of chairman and vice-chairman etc.

(2) The term of office of a chairman appointed otherwise than under sub-section (1) shall, save as otherwise provided in this Regulation or expressly stated in the notification of appointment itself, be a period of three years from the date of Our Government Gazette wherein his appointment is notified; and the term of office of an elected chairman shall, except as otherwise provided, be until the expiry of his term of office as councillor or until he otherwise ceases to be a councillor.

(3) A vice-chairman shall be deemed to have vacated his office—

(i) on the expiry of his term of office as a councillor or on his otherwise ceasing to be a councillor ; or

(ii) on his election as chairman.

(4) When the office of chairman is vacant, the vice-chairman shall exercise the functions of the chairman until a new chairman assumes office.

(5) When the office of chairman is vacant and there is either a vacancy in the

office of vice-chairman, or the vice-chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, the Peishkar or subject to his control and direction, the Assistant Peishkar shall, notwithstanding anything contained in this Regulation or in the rules or notifications issued thereunder, be ex-officio member and chairman of the council until a new chairman or vice-chairman or the absent or incapacitated vice-chairman assumes office.

(6) Notwithstanding anything contained in sub-section (2) an outgoing chairman shall, unless Our Government otherwise direct, continue in office until the appointment of his successor is notified in Our Government Gazette and such successor assumes office.

(7) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

Effect of transfer of appointed chairman or councillor

13. Any chairman or councillor appointed by Our Government and holding a salaried office under Our Government shall, on being permanently transferred from the place where the municipality is situated, be deemed to have vacated his seat in the council.

Explanation:—Transfer, for a period exceeding three months, shall be deemed to be a permanent transfer for the purpose of this Section.

FUNCTIONS OF THE SEVERAL AUTHORITIES.

The chairman.

Functions of the chairman.

14. (1) The chairman of the municipal council shall—

(*a*) make arrangements for the election of the vice chairman;

(*b*) convene the meetings of the council;

(*c*) carry into effect the resolutions of the council;

(*d*) furnish to the council such periodical report regarding the progress made in carrying out the resolutions of that body in the collection of taxes as the council may direct ;

(*e*) perform all the duties and excercise all the powers specifically imposed or conferred on the chairman by this Regulation and subject, whenever it is hereinafter expressly so provided, to the sanction of the council and, subject to all other restrictions, limitations and conditions, hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Regulation and be directly responsible for the due fulfilment of the purposes of this Regulation.

(2) The chairman shall by virtue of his office be a member of every committee of this council.

15. The chairman may in cases of emergency direct the execution of any work or the doing of any act which would ordinarily require the sanction of the council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public and may direct that the expense of executing such work or doing such act shall be paid from the municipal fund : Emergency powers of chairman.

Provided that

(*a*) he shall not act under this section in cotravention of any order of the council prohibiting the execution of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the council at its next meeting.

16. A paid chairman shall devote his whole time to the duties of his office and thall not engage in any other profession, grade or business whatever. Duty of paid chairman.

Delegation an devolution of functions of chairman.

17. (1) The chairman may, by an order in writing, delegate any of his functions to the vice-chairman:

Provided that he shall not delegate any functions which the municipal council expressly forbids him to delegate.

(2) If the chairman has been continuously absent from jurisdiction for more than fifteen days or is incapacitated, his functions, except those of promoting, withholding promotion from, reducing, removing or dismissing any municipal officer or servant, shall, during such absence or incapacity, devolve on the vice-chairman :

Provided that where the absence from jurisdiction of the chairman is within Travancore and is on business connected with the municipality, the chairman's functions shall not, except to the extent, if any, to which functions have been delegated by him under sub-section (1), devolve on the vice-chairman.

(3) If the vice-chairman also has been continuously absent from jurisdiction for more than fifteen days or is incapacitated or if the office of vice-chairman is vacant, the chairman may, by an order in writing, delegate any of his functions to any councillor who shall be styled 'chairman-delegate' during the period of delegation :

Provided that—

(i) when an order of delegation made under this sub-section is in force, no further order of delegation of any functions shall be made in favour of any other than the councill or in whose favour the order in force was made ;

(ii) no delegation under this sub-section shall, without the special sanction of the council, be made for any period exceeding in the aggregate ninety days in any year in the case of an unpaid chairman and fifteen days in any year in the case of a paid chairman ; and

(iii) every order made under this sub-section shall be communicated forthwith to the council and to the Peishkar.

(4) Subject to any restrictions that the council may impose, the chairman may, by an order in writing, delegate any of his executive functions to any officer or servant of the council or to any officer of Government.

(5) The exercise or discharge of any functions delegated under sub-sections (1), (3) and (4) shall be subject to such restrictions, limitations and conditions, if any, as may be laid down by the chairman and shall also be subject to his control and revision. The chairman shall also have power to control and revise the exercise or discharge of any functions devolving on the vice-chairman under sub-section (2).

The council.

Functions of the council.

18. Subject to the provisions of this Regulation the municipal administration shall vest in the council, but the council shall not be entitled to exercise functions expressly assigned by or under this Regulation or any other law to the chairman.

Duties and powers of individual councillors.

19. (1) Any councillor may call the attention of the chairman to any neglect in the execution of municipal work, to any waste of municipal property, or to the wants of any locality and may suggest any improvements which may appear desirable.

(2) Every councillor shall have the right to move resolutions and to interpellate the chairman on matters connected with the municipal administration subject to such regulations as may be framed by the council.

(3) Every councillor shall have access during office hours to the records of the council after giving due notice to the chairman, provided that the chairman may for reasons given in writing forbid such access.

Council's power to call for records.

20. The council may at any time require the chairman to produce any document which is in his custody.

The chairman shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the council or of the public, in which case he shall make a declaration in writing to that effect and shall, if required by the council, refer the question to the Dewan Peishkar, whose decision shall be final.

Obligation of the chairman to carry out council's resolutions.

21. The chairman shall be bound to give effect to every resolution of the council unless such resolution is modified, suspended or cancelled by a controlling authority.

Appointment of committees.

22. A council may constitute committees for the purpose of exercising such powers, discharging such duties or performing such functions as it may delegate to them; or may appoint individual councillors, or committees, to enquire into and report or advise on any matters which it may refer to them.

Appointment of special committees.

23. It shall be lawful for the council from time to time by a resolution supported by not less than one-half of the sanctioned strength of the council to appoint as members of any committee any persons who are not councillors but who may in the opinion of such council possess special qualifications for serving on such committee. But the number of persons so appointed on any committee shall not exceed one-third of the total number of members of such committee. All the provisions of this Regulation relating to the duties, powers liabilities and disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of residence, be applicable, so far as may be, to such persons.

24. The council shall observe the rules in Schedule I and may make regulations not inconsistent therewith or with other provisions of this Regulation or any rules made by Our Government in regard to the following matters :— **Rules and regulations for proceedings of council.**

(*a*) the time and place of its meetings;

(*b*) the manner in which notice thereof shall be given ;

(*c*) the preservation of order and the conduct of proceedings at meetings, and the powers which the chairman may exercise for the purpose of enforcing his decision on points of order ;

(*d*) the division of duties among the members of the council ;

(*e*) the constitution and procedure of committees ;

(*f*) the delegation of its powers, duties or functions—

(i) to the chairman, a councillor, an officer or servant of the council or an officer of Our Government ; or

(ii) to a committee constituted under clause (*e*) or to its chairman or to any one or more of its members ;

(*g*) the persons by whom receipts may be granted for money paid to the council ; and

(*h*) all other similar matters.

25. (1) A council may, and if so required by Our Government shall, join with one, or more than one, other local authority in constituting a joint committee for any purpose in which they are jointly interested or for any matter for which they are jointly responsible. **Appointment of joint committee.**

(2) A joint committe may include persons who are not members of the local authorities concerned but who may in their

opinion possess special qualifications or special interest for serving on such committee :

Provided that the number of such persons shall not exceed one-third of the total number of members of the joint committee.

(3) The constitution of a joint committee shall be by means of regulations which shall not, except in the cases referred to in sub-sections (6) and (7), have effect unless assented to by each of the local authorities concerned.

(4) The regulations shall determine—

(*a*) the total number of members of the joint committee ;

(*b*) the number who shall be members of the local authorities concerned and the number who may be outsiders ;

(*c*) the persons who shall be nembers of the joint committee or the manner in which they shall be elected or appointed ;

(*d*) the person who shall be chairman of the joint committee or the manner in which he shall be elected or appointed ;

(*e*) the term of office of members and chairman ;

(*f*) the powers, being powers exercisable by one or more of the local authorities concerned, which may be exercised by the joint committee ; and

(*g*) the procedure of the joint committee.

(5) Regulations made under sub-sections (3) and (4) may be varied or revoked provided that all the local authorities concerned assent to such variation or revocation.

(6) If Our Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (3) and (4).

(7) If any difference of opinion arises between local authorities under any of the foregoing provisions of this Section, it shall be referred to Our Government whose decision shall be final.

26. All elections and appointments of chairmen vice-chairmen and members of municipal councils shall be notified in Our Government *Gazette*. **Notification of election and appointment.**

27. (1) Every meeting of the council shall be presided over by the chairman; in his absence by the vice-chairman; and in the absence of both the chairman and the vice-chairman, by a councillor chosen by the meeting to preside for the occasion. **Presidency of council.**

(2) The chairman shall preserve order and shall decide all points of order arising at or in connexion with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall, save as is otherwise expressly provided in this Regulation, be final.

(3) A vice-chairman or councillor presiding for the occasion shall, for that meeting, and during the period that he presides over it, have all the powers of the chairman.

28. (1) No councillor shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the council or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner. **Councillor when to abstain from taking part in discussion and voting.**

(2) The chairman may prohibit any councillor from voting or taking part in the discussion of any matter in which he believes such councillor to have such interest, or he may require such councillor to absent himself during the discussion.

(3) Such councillor may challenge the decision of the chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the chairman is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, he may, if a motion to that effect be carried, be required to absent himself from the meeting during such discussion.

(5) The councillor concerned shall not be entitled to vote on the question referred to in sub-section (3), and the chairman concerned shall not be entitled to vote on the motion referred to in sub-section (4).

Explanation.—'Chairman' in this section includes a vice-chairman, or councillor, presiding for the occasion.

Power of chairman, vice-chairman or councillor to resign.

29. Any councillor other than the chairman and any vice-chairman may resign his office by giving notice to the chairman; the chairman may resign by giving notice to the council. Such resignation shall take effect in the case of a councillor or vice-chairman from the date on which it is received by the chairman and in the case of a chairman from the date on which it is placed before the council.

Acts of municipal council, etc., not to be invalidated by informality, etc.

30. No act of a municipal council or of a committee thereof or of any person acting as chairman, vice-chairman or member of the municipal council or committee shall be deemed to be invalid by reason only of a defect in the establishment of the municipality or committee or on the ground that the chairman, vice-chairman or any member of the council or committee was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his election or appointment or by reason of such act having been done during the period of any vacancy in the office of chairman, vice-chairman or member of the council or committee.

Administration report.

31. (1) As soon as may be after the first day of Chingam in every year, and not later than such date as may be fixed by Our Government, the municipal council shall submit to Our Government through the Peishkar a report on the administration during the preceding year in such form and with such details as Our Government may direct. If the Peishkar makes any remarks on the report, such remarks shall be forwarded to the council and the council shall be entitled within such time as Our Government fix, to offer or make such explanations or observations as the council thinks fit. **Annual administration report.**

(2) The chairman shall prepare the report ; the municipal council shall consider his report and forward it to Our Government with its resolutions thereon, if any.

(3) The report and the resolutions thereon, if any, shall be published in such manner as the council, subject to the approval of Our Government, may direct.

Controlling authorities.

32. (1) The Peishkar may enter on and inspect, or cause to be entered on and inspected, any immovable property or any work in progress under the control of any municipal authority in his Division. **Power of Government and Peishkar for purposes of control.**

(2) Our Government or the Peishkar may —

(*a*) call for any document in the possession or under the control of any council or chairman ;

(*b*) require any council or chairman to furnish any return, plan, estimate, statement, account, or statistics ;

(*c*) require any council or chairman to furnish any information or report on any municipal matter ;

(*d*) record in writing, for the consideration of the council or chairman any

observations they or he may think proper in regard to its or his proceedings or duties.

Peishkar's power to enforce execution of resolutions.

33. If it appears to the Peishkar that the chairman of a municipality has made default in carrying out any resolution of the council, the said Peishkar, after giving the chairman a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of the chairman to Government and at the same time forward a copy of the same to the council.

Power to suspend or cancel resolutions, etc,. under Regulation

34. (1) Our Government may, by order in writing—

(i) suspend or cancel any resolution passed, order issued, or licence or permission granted or

(ii) prohibit the doing of any act which is about to be done or is being done in pursuance or under colour of this Regulation, if, in their opinion,

(*a*) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorized or

(*b*) such resolution, order, licence, permission or act is in excess of the powers conferred by this Regulation or any other law or

(*c*) the execution of such resolution or order, the continuance in force of such licence or permission or the doing of such act is likely to cause danger to human life, health or safety, or is likely to lead to a riot or an affray :

Provided that Our Government shall before taking action under this section on any of the grounds referred to in clause (*a*) and (*b*) give the authority or person concerned an opportunity for explanation.

(2) If, in the opinion of the Peishkar, immediate action is necessary on any of the grounds referred to in clause (*c*)

of sub-section (1) he may suspend the resolution, order, licence, permission or act, as the case may be, and report to Our Government who may thereupon either rescind the Peishkar's order or after giving the authority or person concerned a reasonable opportunity of explanation, direct that it continues in force with or without modification permanently or for such period as they think fit.

Emergency powers of Peishkars

35. (1) The Peishkar may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which the council or chairman is empowered to execute or to do, and the immediate execution or the doing of which is, in his opinion, necessary for the safety of the public, and may direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the municipal fund.

(2) If the expense is not so paid, such Peishkar may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against the fund.

(3) Such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to Our Government by the Peishkar with the reasons in full for the exercise of such powers ; and a copy of the letter shall at the same time be sent to the Municipal council for information.

Government's power to appoint officers to supervise municipalities.

36. (1) Our Government may appoint such officers as may be repuired for the purpose of inspecting or superintending the operations of all or any of the municipal councils established under this Regulation.

(2) All schools, hospitals, dispensaries, vaccine stations, choultries and other institutions maintained by any municipal council and all documents relating thereto shall at all times be open to the inspection of such officers as Our Government may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers of Government appointed under this section such access at all reasonable times to municipal property or premises, and to all documents which, subject to any rules framed for their guidance under Section 305 (1) and (2) (*k*), they may consider to be necessary to enable them to discharge their duties of inspection or superintendence.

Government's power to undertake works for, or to take action in default of a municipality.

37. (1) If at any time it appears to Our Government that a municipal council or chairman has made default in performing any duty imposed by or under this or any other Regulation, they may, by order in writing, fix a period for the performance of such duty.

(2) If such duty is not performed within the period so fixed, Our Government may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as they may fix, to such person by the municipal council.

(3) Our Government may, with the consent of the municipal council, undertake on its behalf the construction of water-supply, drainage or other works, appoint persons to carry out the construction of such works, and direct that the expense, including the pay of such persons, be paid from the municipal fund.

(4) If expenses which Our Government have directed under sub-section (2) or (3) to be paid from the municipal fund are not so paid, the Peishkar, with the

previous sanction of Our Government, may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(5) Such person shall, so far as the funds to the credit of the municipal council admit, be bound to comply with such order.

Governmnt to remove chairman or vice-chairman or councillor.

38. (1) Our Government may, by notification, remove any chairman or vice-chairman or councillor who in their opinion wilfully omits or refuses to carry out or disobeys the provisions of this Regulation or any rules, bye-laws, regulations or lawful orders issued thereunder or abuses the powers vested in him.

(2) Our Government shall, when they propose to take action under sub-section (1), give the chairman or vice-chairman concerned an opportunity for explanation, and the notification issued under the said sub-section shall contain a statement of the reasons of Our Government for the action taken.

Motion of no confidence in chairman or vice-chairman.

39. (1) A motion expressing want of confidence in the chairman or in the vice-chairman may be made by any councillor, subject to the following restrictions, namely :—

(*a*) Leave of the council to make the motion shall be asked for before the business entered in the agenda for the day is taken up.

(*b*) The councillor asking for leave shall at the time of asking for leave hand to the person presiding a written notice of the motion which he proposes to make.

(2) The person presiding shall then read the motion to the council and request those councillors who are in favour of the leave being granted to rise in their places. If less than one-half of the sanctioned strength of the council rise accordingly, the

person presiding shall inform the councillor t t ı· asnot the leave of the council. If not less than one-half of the sanctioned strength of the council rise, the person presiding shall intimate that leave is granted and that the motion will be taken on such day and time as he may appoint. The day appointed shall not be less than six clear days nor more than fifteen clear days from the day on which leave is asked.

(3) No debate on any motion under this section shall be adjourned. Such debate, if not earlier concluded, shall automatically terminate on the expiry of three hours from the time appointed for its commencement. Upon the conclusion of the debate or upon the expiry of the said period of three hours, as the case may be, the motion shall be put to the vote of the council.

(4) (*a*) If the motion is carried with the support of not less than three-fourths of the sanctioned strength of the council, the chairman or vice-chairman, as the case may be, shall forthwith be deemed to have vacated his office.

(*b*) If the motion is carried, but not by such a majority as aforesaid and if after an interval of not less than one month, another motion expressing want of confidence in the same chairman or vice-chairman, made under sub-section (1) is carried by the council, he shall forthwith be deemed to have vacated his office.

Governmut's power to dissolve or supersede council.

40. (1) If in the opinion of Our Government a council is not competent to perform or persistently makes default in performing the duties imposed on it by law, or exceeds or abuses its powers, Our Government may by notification direct that the council be dissolved and reconstituted on such dates as Our Government may fix in that behalf ; or Our Government may, if they think necessary, supersede the council for a specified period not exceeding two years:

Provided as follows :—

(*a*) for the purpose of completing the elections to a council which has been dissolved our Government may, in their discretion, from time to time, extend the time fixed by them under this sub section for its reconstitution.

(*b*) Our Government shall not supersede a portion only of the municipal council.

(2) Before publishing a notification under sub-section (1) Our Government shall communicate to the council concerned the grounds on which they propose to do so, fix a reasonable period for the council to show cause against the proposal and consider its explanations or objections, if any :

Provided that where a council has disobeyed an order issued under section 34, Our Government shall not be bound to follow the procedure laid down in this sub-section.

(3) On the date fixed for the dissolution of the council under sub-section (1) all its members as well as its chairman and vice-chairman shall forthwith be deemed to have vacated their offices and fresh elections shall be held in accordance with the provisions of this Regulation. The newly elected councillors shall enter upon their offices on the date fixed for the reconstitution of the council.

(4) Supersession shall take effect from noon on the date of publication of the notification, if no date is therein specified, and thereupon the following consequences shall ensue :—

(*a*) All the members of the council as well as its chairman and vice-chairman thall forthwith be deemed to have vacated their offices.

(*b*) All or any of the powers and duties of the municipal authorities may

during the period of supersession, be exercised and performed, as far as may be, and to such extent as Our Government may determine, by such persons as Our Government appoint in that behalf and any such person who is not a Peishkar or Assistant Peishkar may, if Our Government so direct, receive payment for his services from the municipal fund; Our Government may determine the relations of such person with the municipal secretary, (if any), with the district controlling officers and with themselves; and where there is a paid chairman our Government may direct him to exercise and perform any powers and duties of the council in addition to his own.

(5) On or before the expiry of the period of supersession notified under sub-section (1), Our Government may, by notification, for reasons to be stated in the notification, postpone the reconstitution of the council for a further period not exceeding six months, or notwithstanding anything contained in proviso to sub-section (3) of section 4, withdraw the area of the municipality from the operation of this Regulation under that section.

(6) Our Government may reconstitute the council before the expiry of the period notified under sub.section (1) or sub-section (5).

(7) When a council is dissolved or superseded under this section, Our Government until the date of the reconstitution thereof and the reconstituted council thereafter shall be entitled to all the assets and be subject to all the liabilities of the council as on the date of the dissolution or supersession and on the date of the reconstitution respectively.

41. When the Peishkar or person appointed by Our Government lawfully takes action on behalf or in default, of the

municipal council under this Regulation he shall have all such powers as are necessary for the purpose, and shall be entitled to the same protection under this Regulation as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

Powers of officers acting for, or in default of, municipal council and liability of municipal fund.

CHAPTER IV.—ELECTION AND APPOINTMENT OF COUNCILLORS.

Elections.

Election of municipal councillors.

42. (1) For the purposes of election of councillors to a municipal council, Our Government after consulting the municipal council may, by notification, divide the municipality into wards.

(2) All the electors of a ward, irrespective of their sex, shall be entitled to vote at an election to any seat in that ward.

(3) When issuing under sub-section (1) a notification which materially alters the existing division of a municipality into wards, Our Government may direct that alteration shall take effect from the date of the next ordinary elections.

(4) When the number of councillors to be returned by a ward is altered or when a new ward is formed, or when an existing ward is abolished, the election authority shall, with the approval of Our Government, determine—

(*a*) the ward which each councillor then on the council shall be deemed to represent; and

(*b*) the ward or wards in which elections shall be held to fill up the vaccancies, if any, in the council.

43. (1) An electoral roll for every municipality showing the names of persons

Publication of electoral roll.

qualified to vote therein shall be prepared and published by the election authority in the manner prescribed before the end of Dhanu of the year in which the ordinary vacancies are to occur.

(2) The roll so prepared and published shall be revised and a list of amendments and corrections thereto shall in like manner be prepared and published by the election authority before the end of Dhanu of every year.

(3) When a municipality has been divided into wards the electoral roll shall be divided into separate lists for each ward.

(4) The electoral roll published in any year as revised by the list of ammendments and corrections, if any, shall remain in force till the publication of a fresh electoral roll.

(5) Every person whose name appears in the electoral roll as so revised shall so long as it remains in force be entitled to vote at an election; and no person whose name does not appear in such roll shall vote at an election.

Qualifications for voting.

44. (1) No person shall be included in the electoral roll as qualified to vote unless—

(*a*) he has attained the age of twenty-one years in the year proceeding that in which the electoral roll is published ;

(*b*) he has been assessed in such preceding year to any tax payable to Our Government or to any local authority in Travancore or is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular forces ; and

(*c*) he has resided in the municipality for one hundred and twenty days in the aggregate in such preceding year.

(2) If a company or association or the members of a Hindu joint family or marumakkathayam Taravad or joint pattadars has or have been assessed to any tax, the

company or association or the family or Tarwad or joint pattadars shall be treated as possessing the qualification, and the person entitled to be registered in the electoral roll shall be the secretary of the company or association or some other person duly authorized in that behalf or the member authorised by a majority of the family, or Tarwad or of the joint pattadars, or, in the case of a joint Hindu family, or Marumakkathayam Tarwad either a member so authorized or in default of such authorization, the manager thereof.

(3) A person may be qualified either in his personal capacity or in the capacity of a representative of a company or association or of a joint family or Marumakkathayam Tarwad or of joint pattadars, but not in both capacities.

(4) Save as provided in sub-section (2), no person shall be qualified as an elector unless he possesses the necessary qualifications in his personal capacity.

Disqualifications of voters.

45. Notwithstanding anything contained in sub-section (5) of section 43, a person who is of unsound mind, a deaf-mute or a leper shall not be entitled to vote at any election to a municipal council.

Qualifications for membership of council.

Qualification of candidates.

46. No person shall be qualified for election as a councillor unless the name of such person appears on the electoral roll of the municipality.

Disqualification of candidates.

47. (1) A person shall be disqualified for election or appointment as a councillor if such person—

(*a*) has been at any time sentenced by any court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of election or appointment—

(i) of unsound mind, a deaf-mute or a leper;

(ii) an undischarged insolvent;

(iii) interested in a subsisting contract made with, or any work being done for, the Municipality except as a shareholder (other than a director) in an incorporated company;

(iv) an officer or servant holding office under this Regulation, a Magistrate, a District Munsiff, a District Judge or a High Court Judge; or

(v) already a councillor whose term of office as such will not expire before his fresh election or appointment can take effect:

Provided that a person shall not be deemed to have any interest in such a contract or work as aforesaid by reason only of his having an interest in any agreement for the loan of money or any security for the payment of money only.

(2) Notwithstanding anything contained in clause (a) of sub-section (1), Our Government may direct that such sentence shall not operate as a disqualification.

(3) No person shall be qualified for election or appointment during the period for which he has been declared to be disqualified by a judicial order passed under Section 51, and still in force.

Disqualification of Councillors.

48. (1) Subject to the provisions of section 49, a councillor shall cease to hold his office, if he—

(*a*) is sentenced by a criminal court to such punishment and for such offence as is described in sub-section (1) of section 47;

(*b*) becomes of unsound mind, a deaf-mute, or a leper;

(*c*) applies to be adjudicated or is adjudicated, a bankrupt or insolvent;

(*d*) subject to the proviso clause (*c*) of sub-section (2) of section 47, acquires any interest in any subsisting contract made

with, or work being done, for the council except as a shareholder (other than a director) in a company;

(e) is employed as paid legal practitioner on behalf of the council or accepts employment as legal practitioner against the council;

(f) is appointed as an officer or servant under this Regulation or as an honorary magistrate for the municipal town;

(g) accepts employment under or becomes the official subordinate of any other councillor;

(h) ceases to reside in the municipality or within two miles thereof; or

(i) absents himself from the ordinary meetings of the council for three consecutive months commencing from the date on which he last attended such a meeting or, if, within that period less than three such meetings have been held, from three such consecutive meetings of the council held after the last ordinary meeting he attended:

Provided that no ordinary meeting from which a councillor absents himself shall be counted against him under this clause, if due notice of that meeting has not been given to him.

Explanation.—In this clause, the expression 'ordinary meeting' shall not include a meeting held under sub-rule (2) of rule 2 or under rule 3 of Schedule I.

(2) Notwithstanding anything contained in clause (a) of sub-section (1) Our Government may direct that such sentence shall not operate as a disqualification.

(3) Where a person ceases to be a councillor under clause (a) of sub-section (1) or under section 51 he shall be restored to office for such portion of the period for which he was elected as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of Our Government. And any per-

son elected to fill the vacancy in the interim shall on such restoration vacate office.

(4) Where a person ceases to be councillor under clause (*i*) of sub-section (1), the chairman shall at once intimate the fact in writing to such person and report the same to the council at its next meeting. If such person applies for restoration *suo motu* to the council on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the council may at the meeting next after the receipt of such application restore him to his office of councillor :

Provided that a councillor shall not be so restored more than twice during his term of office.

Decision on questions of disqualification of councillors by District judge.

49. (1) Whenever it is alleged that any person who has been elected as a councillor is disqualified under section 46, section 47, section 48 or section 51, and such person does not admit the allegation, or whenever any councillor is himself in doubt whether or not he has become disqualified for office, under section 48 or section 51, such councillor or any other councillor may, and the chairman, at the request of the council, shall, apply to the district judge of the district in which the municipality is situated.

(2) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 46, section 47, section 48 or section 51, and his decision shall be final.

(3) Pending such decision the councillor shall be entitled to act as if he were not disqualified.

Election offences.

Infringement of secrecy of election.

50. Every polling officer, clerk or other person in attendance at the polling room who, except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted

and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

Disqualification of persons convicted of election offences.

51. Every person convicted of an offence punishable under Chapter IX-A of the Penal Code shall be disqualified from voting or from being elected in any election to which this Regulation applies or from holding the office of municipal councillor for a period of five years from the date of his conviction or for such shorter period as the court may, by order, determine.

CHAPTER V.—POWERS OF MUNICIPAL AUTHORITIES IN RESPECT OF PROPERTY, CONTRACTS, ESTABLISHMENT.

Property.

Vesting of public streets and appurtenances in the municipal council.

52. (1) All public streets in any municipality, with the pavements, stones and other materials thereof, and all works, materials and other things provided for such streets, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the municipal fund or otherwise, in alongside or under any street, whether public or private, and all works, materials and things appertaining thereto shall vest in the municipal council.

(2) Our Government may by notification withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the council.

Collected sewage, etc., to belong to municipal council.

53. All rubbish and filth and other matter collected by a municipal council under this Regulation shall belong to the council.

Management of public institutions.

54. (1) The management, control and administration of every public institution maintained exclusively out of the Municipal Fund shall vest in the municipal council.

(2) When any public institution has been placed under the direction, management and control of the municipal council,

all property, endowments and funds belonging thereto shall be held by the Council, in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the council in respect of any such institution may, from time to time, be prescribed by Our Government :

Provided also that nothing in this Section shall be held to prevent the vesting of any trust property in the Treasurer of Charitable Endowments under Regulation II of 1082.

Inventory of municipal property.

55. (1) The chairman shall maintain an inventory of all immovable property owned by the municipal council or to which the council has a reversionary right.

(2) A copy of the said inventory shall be deposited in the office of the Peishkar of the division in which the municipality lies, and all changes shall be forthwith communicated to the said officer.

Limitation of power to accept property in trust.

56. The council may accept trusts relating exclusively to the furtherance of any purpose to which the municipal fund may be applied.

Objects not provided for by this Regulation.

57. Our Government may, with the consent of a municipal council, transfer to the council the management of any institution or the execution of any work not provided for by this Regulation, and it shall thereupon be lawful for the council to undertake such management or execution:

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the council by Our Government.

Procedure for acquisition of immovable property under the Land Acquisition Regulation.

58. Any immovable property which any municipal authority is authorized by this Regulation to acquire may be acquired under the provisions of the Land Acquisition Regulation and on payment of the compensation awarded under the said

Regulation in respect of such property and of any other charges incurred in acquiring it the said property shall vest in the council.

Contracts.

59. (1) The council may delegate to the chairman or a committee consisting of two or more members the power of making on its behalf any contract whereof the value or amount does not exceed one thousand rupees.

Delegation of authority to contract and contractual powers of persons appointed by Government.

(2) In respect of contract whereof the value or amount exceeds one thousand rupees the sanction of the council for the making thereof should be obtained before the same is made.

(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by Our Government to carry any work into execution on behalf of a municipal council may, subject to such control as Our Government may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution to the extent of the sum provided for such work ; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose to the extent aforesaid.

60. (1) Every contract made by, or on behalf of, council whereof the value or amount exceeds one hundred rupees shall be in writing and except in the case of contracts made under the provisions of sub-section (3) of section 59 shall be signed by two municipal councillors.

Mode of executing contracts.

(2) A contract executed or made otherwise than in conformity with the provisions of this and the last preceding sections shall not be binding on the municipal council.

Establishment.

Establishment of municipal council.

61. (1) The sanction of the council shall be obtained for all proposals for fixing or altering the number, designations and grades of its officers and servants and the salaries, fees and allowances payable to them.

(2) Such proposals shall be taken in consideration by the council only at the instance of the chairman and the council may sanction them with or without modifications :

Provided that no proposal adversely affecting any municipal officer or servant who has been in the permanent service of the municipality for more than five years and is drawing a salary of not less than fifty rupees per mensem, shall be considered except at a special meeting convened for the purpose and no such proposal shall be given effect to, unless assented to by at least one-half of the members then on the council.

The health officer and the engineer.

62. (1) Any municipal council, by special resolution may, and every council which during three consecutive years has realized an income of one hundred thousand rupees from ordinary receipts, shall, if so required by Our Government, sanction a post of health officer and a post of municipal engineer.

(2) The salaries of these officers shall be fixed by the municipal council subject to the approval of Our Government.

(3) Every health officer or engineer shall devote his whole time to the duties of his office and shall not engage in any other profession, trade or business.

Filling up of the appointments of health officer or engineer.

63. (1) On the occurrence of a vacancy in, or after the creation of, an office of health officer or engineer an appointment shall be made thereto by the council subject to the approval of Our Government within four months from the date on which the

vacancy occurred or the office was created or, in the event of any appointment so made by the council not being confirmed by Our Government, within thirty days of the date of the receipt by the council of the orders of Our Government.

(2) In default of an appointment being made by the council as aforesaid, Our Government may appoint a person to hold the office, and such appointment shall, for all purposes, be deemed to have been made by the municipal council.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the municipal council may appoint a person to hold the office temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as it shall think fit.

(4) No such officer shall be removed from office except with the consent of Our Government. Such consent shall be given if the removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by the votes of not less than two-thirds of the sanctioned strength of the council.

Filling up of appointments other than those of the health officer and the municipal engineer.

64. Excepting the health officer and the municipal engineer, all officers and servants of a municipal council shall be appointed by the chairman in accordance with any rules which Our Government may have made in this behalf:

Provided that in case of emergency—

(*a*) the chairman may appoint temporarily such officers and servants as may in his opinion be required for the purposes of this Regulation and the employment of whom for any particular work has not been prohibited by any resolution of the municipal council; and

(*b*) every appointment made under clause (*a*) shall be reported by the chairman to the council at its next meeting.

Power of council to frame service regulations.

65. Subject to the provisions of this Regulation and any rules which Our Government may make in this behalf, the council may frame regulations in respect of officers and servants on the municipal staff—

(*a*) fixing the amount and nature of security to be furnished ;

(*b*) prescribing educational or other qualifications ;

(*c*) regulating the grant of leave, leav allowances, acting allowances and travelling allowances ;

(*d*) regulating the grant of pensions and gratuities ;

(*e*) establishing and maintaining provident funds and making contribution thereto compulsory ;

(*f*) regulating conduct ; and

(*g*) generally prescribing conditions of service : Provided—

(i) that the amount of any leave, leave allowances, travelling allowances, pension or gratuity, provided for in such regulations shall in no case without the special sanction of Our Government exceed what would be admissible in the case of Government servants of similar standing and status ;

(ii) that the conditions under which such allowances are granted or any leave, superannuation or retirement is sanctioned shall not without similar sanction be more favourable than those for the time being prescribed for such Government servants.

Power to punish municipal officers or servants.

66. Subject to the provisions of section 68 and to such control as may be prescribed by Our Government the chairman may censure, fine, withhold promotion from, reduce, suspend, remove or dismiss any

municipal officer or servant in its service except a health officer or a municipal engineer for any breach of departmental rules or discipline, or for carelessness unfitness, neglect of duty or other misconduct.

67. The chairman may grant leave to all municipal officers and servants.

Power to grant leave to establishment.

68. Our Government may, on the application of any municipal council, place the services of any Government servant at the disposal of the council to be employed by it for the purposes of this Regulation. The council shall pay any Government servant so employed the salary he may be entitled to receive under the rules of the branch of Government service to which he belongs, and shall also pay Our Government such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in that behalf in force for the time being.

Special provisions regarding Government servants lent to council.

(2) If such servant, while employed by the municipal council or if any other servant of the council does any work for Government, Our Government shall contribute to the municipal fund so much of the salary of such servant as Our Government may consider to be an equivalent for such work.

(3) No Government servant employed by the municipal council under this section shall be dismissed from such employment without the consent of Our Government or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(4) No Government servant employed by a municipal council shall, except in cases of emergency, be withdrawn from the service of the council without the consent of the municipal council, unless and

until Our Government shall have given three months' notice in writing to that effect to the municipal council or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by municipal councils shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.

Co-ordination of any class of municipal officers or servants.

69. (1) Notwithstanding anything contained in this Regulations Our Government may, by notification, constitute any class of officers or servants of municipal councils into a municipal service for Travancore :

Provided that no notification shall be issued under this sub-section—

(i) unless all the municipal councils constituted under this Regulation have been consulted in respect thereof, and

(ii) unless a majority of the councils so consulted have passed a resolution supporting such issue.

(2) Upon the issue of a notification under sub-section (1), Our Government shall have power, subject to the provisions of Section 308, to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances, and discipline and conduct of the municipal service thereby constituted and such rules may vest jurisdiction in relation to such service in Our Government or in such other authority or authorities as may be prescribed therein.

PART III.

Chapter VI—Taxation and Finance.

Enumeration of ordinary taxes and powers of control of Government.

70. Every municipal council may levy,

(a) a property tax ;

(b) a profession tax ;

(c) a tax on carriages and animals ;

(*d*) a tax on carts ;

(*e*) tolls on vehicles and animals entering the municipality.

Resolution of council determining to levy tax or toll.

71. Any resolution of a municipal council determining to levy a tax or toll shall specify the rate at which any such tax or toll shall be levied and the date from which it shall be levied :

Provided that before passing a resolution imposing a tax or toll for the first time or increasing the rate of an existing tax or toll, the council shall publish a notice in Our Government Gazette and at least one vernacular newspaper of its intention, fix a reasonable period not being less than one month for submission of objections and consider the objections, if any, received within the period specified :

Provided also that any resolution abolishing an existing tax or toll or reducing the rate at which a tax or toll is levied shall be immediately reported to Our Government and in municipalities which have an outstanding loan either from Our Government or from the public or any other local body such abolition or reduction shall not be carried into effect without the sanction of Our Government:

Provided also that where any resolution under this section has taken effect for a particular year no proposals to alter the rates or date fixed in such resolution so far as that year is concerned shall be taken into consideration by the council.

Notification of new taxes and tolls.

72. When a municipal council shall have determined subject to the provisions of Section 71 to levy any tax or toll for the first time or at a new rate, the chairman shall forthwith publish a notification in Our Government Gazette and by beat of drum specifying the rate at which, the date from which, and the period of levy, if any, for which such tax or toll shall be levied.

The property tax.

Description and classes of property tax.

73. (1) If the council by a resolution determines that a property tax shall be levied, such tax shall be levied on all buildings and lands within municipal limits save those exempted by or under this Regulation or any other law. The property tax may comprise—

(*a*) a tax for general purposes ;

(*b*) a water and drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided ;

(*c*) a lighting tax to provide for expenses connected with the lighting of the municipality by gas or electricity ; and

(*d*) a scavenging tax to provide for expenses connected with the removal of rubbish, filth or the carcasses of animals from private premises :

Provided that where the water and drainage tax is levied, the municipal council shall declare what proportion of the tax is levied in respect of water-works and the remainder shall be deemed to be levied in respect of drainage works and the proportion so declared shall also be specified in the notification published under Section 72.

(2) Save as otherwise provided in this Regulation, these taxes shall be levied at such percentages of the annual value of lands or buildings or both as may be fixed by the municipal council, subject to the provisions of Section 70.

(3) The municipal council may, in the case of lands which are not used exclusively for agricultural purposes and are not occupied by, or adjacent and appurtenant to, buildings, levy these taxes at such percentages of the capital value of such lands or at such rates with reference to the extent of such lands, as it may fix :

Provided that such percentages or rates shall not exceed the maxima, if any, fixed by Our Government and that the capital value of such lands shall be determined in such manner as may be prescribed.

74. (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises. Method of assessment of property.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year less a deduction, in the case of buildings only, of ten per centum or such annual rent and the said deduction shall be in lieu of all allowance for repairs or on any other account whatever :

Provided that—

(a) in the case of

(i) any Government building or

(ii) any building of a class not ordinarily let the gross annual rent of which cannot, in the opinion of the chairman, be estimated

the annual value of the premises shall be deemed to be six per cent of the total of the estimated value of the land and the estimated present cost of erecting the building after deducting for depreciation a reasonable amount which shall in no case be less than ten per centum of such cost ; and

(b) machinery and furniture shall be excluded from valuations under this section.

75. (1) The following buildings and lands shall be exempt from the property tax :— Exemption.

(a) places set part for public worship and either actually so used or used for no other purpose, choultries, buildings used for educational purposes including hostels,

public buildings and places used for the charitable purpose of sheltering the destitute or animals, libraries and playgrounds which are open to the public ;

(b) charitable hospitals and dispensaries as may from time to time be notified by Our Government ;

(c) burial and burning ground included in the book kept at the municipal office under Section 283 ;

(d) buildings or lands belonging to the municipal council ;

(e) such property of Government not being buildings as may from time to time be notified by Our Government with the consent of the municipal council.

Explanation.—The exemption granted under this section shall not extend to residential quarters attached to schools and colleges not being hostels or to residential quarters attached to hospitals, dispensaries and libraries.

(2) The water and drainage tax shall not be levied on any land used exclusively for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed.

(3) The municipal council may with the previous sanction of Our Government exempt any particular part of a municipality from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water-supply and drainage or from the lighting system.

(4) The municipal council may exempt any building or land from the whole or any portion of the scavenging tax if it is

satisfied that the owner or occupier has made efficient arrangements for the daily removal therefrom of rubbish, filth and carcasses of animals.

(5) The municipal council may by a general resolution exempt any building or land from the property tax—

(i) if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than eighteen rupees, and

(ii) the proprietor does not own any other building or land assessed to the property tax and is not liable to profession or income-tax.

Taxation to be uniform.

76. (1) The rate of any class of property tax on lands when levied on their annual value may be lower than the rate of the same class of property tax on buildings but either rate shall be uniform throughout the municipal area on all buildings or on all lands liable to be taxed on their annual value as the case may be.

(2) The rate of any class of property tax shall be uniform throughout the municipal area on all lands liable to be taxed on their capital value.

Property tax a first charge on property.

77. The property tax on buildings and lands shall, subject to the prior payment of land revenue, if any, due to Our Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

Property tax when payable.

78. The property tax shall be levied every half-year and shall, save as otherwise expressly provided in Schedule II, be paid by the owner of the assessed premises within thirty days after the commencement of the half-year.

Vacancy remission.

79. (1) When any building whether ordinarily let or occupied by the owner himself has been vacant and unlet for thirty or more consecutive days in any half-year, the chairman shall remit so much, not exceeding one-half of such portion of the tax as relates to the building only as is proportionate to the number of days during which the building was vacant and unlet in the half-year.

(2) Every demand for remission under sub-section (1) shall be made during the half-year in respect of which the remission is sought or in the following half-year and not afterwards.

(3) (*a*) No demand for such remission shall be entertained unless the owner of the building or his agent has previously thereto given notice to the chairman of the building being vacant and unlet and the period in respect of which the remission is made shall be calculated from the date of delivery of such notice.

(*b*) Every such notice shall expire with the half year during which it is so delivered and shall have no effect thereafter.

Obligation of transferor and transferee to give notice of transfer.

80. (1) Whenever the title of any person primarily liable to the payment of property tax on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be executed, give notice of such transfer to the chairman.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise,

shall give written notice of such transfer to the chairman within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the chairman may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the chairman any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the chairman shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers but nothing in this section shall be held to affect—

(*a*) the liability of the transferee for the payment of the said tax, or

(*b*) the prior claim of the municipal council under Section 77.

Owner's obligation to give notice of construction, reconstruction or demolition of building.

81. (1) (*a*) If any building in a municipality is constructed or reconstructed, the owner shall give notice thereof to the chairman within fifteen days from the date of completion or occupation of the building, whichever is earlier.

(*b*) If such date falls within the last two months of a half year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of the whole of the tax or enhanced tax, as the case may be, payable in respect of the building only, for that half-year.

(*c*) If such date falls within the first four months of a half-year, the owner shall, subject to notice being given under clause (*a*), be entitled to a remission of so much not exceeding a half of the tax or enhanced

tax, as the case may be, payable in respect of the building only, for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) (*a*) If any building in a municipality is demolished or destroyed, the owner shall, until notice thereof is given to the chairman be liable for the payment of the property tax which would have been leviable had the building not been demolished or destroyed.

(*b*) If such notice is given within the first two months of a half-year, the owner shall be entitled to a remission of the whole of the tax payable in respect of the building only, for that half-year.

(*c*) If such notice is given within the last four months of a half-year, the owner shall be entitled to a remission of so much not exceeding a half of the tax payable in respect of the building only, for that half-year as is proportionate to the number of days in that half-year preceding the demolition or destruction as the case may be,

Remission of tax in areas included or excluded in the middle of a half-year.

82. (1) If any area is included within a municipality the owner of every building or land in such area shall—

(*a*) if the date of such inclusion falls within the last two months of a half-year, not be liable to pay any property tax in respect thereof for that half-year ; and

(*b*) if such date falls within the first four months of a half-year, be entitled to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(2) If any area is excluded from a municipality the owner of every building or land in such area shall be entitled—

(*a*) if the date of such exclusion falls

within the first two months of a half-year, to a remission of the whole of the property tax payable in respect thereof for that half-year ; and

(*b*) if such date falls within the last four months of a half-year, to a remission of so much not exceeding a half of the property tax payable in respect thereof for that half-year, as is proportionate to the number of days in that half-year preceding such date.

(3) No remission shall be granted under sub-section (2) in respect of any building or land unless an application for such remission is made to the chairman within three months from the date of the exclusion of the area in which the building or land is situated.

83. (1) For the purpose of assessing the property tax, the chairman may, by notice, call on the owner or occupier of any land or building to furnish him, within thirty days after the service of the notice, where the notice is served upon Our Government, or a company and within seven days after such service in other cases, with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land and with such other information as the chairman may require ; and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief. Chairman's power to call for information and to enter upon premises.

(2) For the purpose aforesaid the chairman may enter, inspect, survey and measure such building or land, after giving twenty-four hours' notice to the owner or occupier.

Profession tax.

Profession tax.

84 (1) If the council by a resolution determines that a profession tax shall be levied—

every company which, after the date specified in the notification published under Section 72, transacts business in the municipality for not less than sixty days in the aggregate in any half year ; and every person, who after the said date, in any half year—

(*a*) exercises a profession, art, or calling or transacts business or holds any appointment, public or private

(i) within the municipality for not less than sixty days in the aggregate, or

(ii) without the municipality but who resides in the municipality for not less than sixty days in the aggregate, or

(*b*) resides in the municipality for not less than sixty days in the aggregate and is in receipt of any pension or income from investments,

shall pay a half-yearly tax assessed in accordance with the rules in Schedule II.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax.

(3) If a company or person proves that it or he has paid the sum due on account of the profession tax levied under this Regulation, for the same half-year to any municipal council in Travancore, such company or person shall not be liable, by reason merely of change of place of business, exercise of profession, art or calling, appointment or residence to pay to any other municipal council, more than the difference between such sum and the amount to which it or he is otherwise liable for the profession tax for the half-year under this Regulation.

(4) Nothing contained in this section shall be deemed to render a person who resides within the local limits of one municipality and exercises his profession, art or calling or transacts business or holds any appointment within the limits of any other municipality or municipalities liable to profession tax for more than the higher of the amounts of the tax leviable by any of the municipalities. In such a case Our Government shall apportion the tax between municipalities in such manner as they may deem fit and the decision of Our Government shall be final.

85. The profession tax leviable from a firm, association, joint Hindu family or marumakkathayam tarwad may be levied from any adult member of the firm, association, family or tarwad. Liability of members of firms, associations etc., to profession tax.

86. (1) If a company or person employs a servant or agent to represent it or him for the purpose of transacting business in a municipality, such company or person shall be deemed to transact business in the municipality and such servant or agent shall be liable for the profession tax, in respect of the business of such company or person, whether or not such servant or agent has power to make binding contracts on behalf of such company or person. Liability of servants or agents to profession tax.

(2) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax, on the same income as that of the principal.

87. If the profession tax due from any company or person is not paid, the chairman shall cause a notice to be served on such company or person to pay it within fifteen days of the date of such service. Service of notice on failure of payment of tax.

88. All statements made, returns furnished or accounts or documents produced in connection with the assessment of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public. Statements, returns, etc., to be confidential.

Requisition on owner or occupier to furnish list of persons liable to tax.

89. The chairman may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building, land, hotel, boarding or lodging house, club or residential chambers and specifying the profession, art, calling, or appointment of every such person and the rent, if any, paid by him and the period of such occupation.

Requisition on employers or their representatives to furnish list.

90. The chairman may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club or of a firm or company—

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding-house, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement of the salary or income of such employed persons, and

(*b*) to furnish particulars in regard to any company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on carriages and animals.

General provisions regarding tax on carriages and animals.

91. (1) If the council by a resolution determines that a tax on carriages and animals shall be levied, the chairman shall levy the said tax half-yearly on carriages and animals kept within the municipality which are of the kinds specified in Schedule II.

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in Schedule II.

92. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept within the municipality for an aggregate period of not less than sixty days in the half-year.

Liability to tax according to period for which carriage or animal has been kept.

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be eviable.

(3) If such aggregate period does not exceed fifteen days, no tax shall be leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the municipality shall, until the contrary is shown, be presumed to have kept the same within the municipality for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2) no person shall be liable to tax during any half-year on account of any carriage or animal in respect of which the full tax for the same half-year has already been paid by some other person.

93. The carriage and animal tax shall not be levied on—

Exemptions.

(*a*) carriages and animals declared by Our Government as belonging to the Palaces or the Residency ;

(*b*) carriages and animals kept solely for sale by carriage-makers and dealers ;

(*c*) carriages which have been under repair or standing at a carriage-maker's during the whole of the half-year ;

(*d*) carriages and animals belonging to the council ;

(*e*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm animals or

which are certified by a veterinary surgeon to have been unfit for use during the whole of the half year.

Composition.

94. With the sanction of the council or in accordance with regulations framed by that body, the chairman may compound, for any period not exceeding one year, with any livery-stable keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Forms to be sent to and returned by tax-payers.

95. (1) The chairman shall send to every person supposed to have become liable to the payment of the tax on carriages and animals a printed table to be filled up with such information respecting the carriages and animals kept by him as the chairman considers necessary for the assessment of the tax.

(2) Such table shall be filled up with such information in writing, and signed and dated, and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

(3) On the expiry of the period of one week referred to in sub-section (2), the chairman shall cause a notice to be served on such person requiring him to pay within fifteen days of the date of such service the sum for which in the opinion of the chairman, such person is liable on account of the tax on carriages and animals.

Grant of license on payment of tax.

96. When any person pays the amount of tax due in respect of any carriage or animal, the chairman shall grant him a license to keep such carriage or animal for the period to which the payment relates.

Power to require numbers to be affixed to bicycles, etc.

97. (1) The chairman may direct that a municipal number shall be affixed—

(*a*) to every carriage let out for hire within the municipality, and

(*b*) to every bicycle and tricycle kept within the municipality :

Provided that no municipal number shall be requisite in the case of carriages to which a number must be affixed under the provisions of any special Regulation.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on carts.

General provisions regarding cart-tax.

98. (1) If the council by a resolution determines that a tax shall be levied on carts, the chairman shall levy the said tax half-yearly at the rate (which shall not exceed four rupees per cart per half year), fixed by the council and specified in the notification published under Section 72 in pursuance of such resolution and from the date specified in such notification in respect of all carts kept within the municipality.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The council may direct that a municipal number shall be affixed to every registered cart.

(4) The chairman shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) All registrations made and numbers affixed under this section shall be entered in a book to be kept for the purpose at the municipal office.

(6) Such book shall be open to the inspection of any person who pays any tax to the municipality at all reasonable times without charge.

(7) This section shall not apply to carts belonging to the Government and used for military purposes, or carts kept solely for sale by cart-makers and dealers.

Power to remit tax.

99. The chairman may remit any portion of the cart-tax in respect of any cart which si shown to his satisfaction to have been

kept within the municipality for an aggregate period not exceeding fifteen days in the half-year, or to have been under repair or standing at a cart-maker's during the whole of the half-year.

Taxes leviable under sections 91 and 98.

Prepayment of municipal tax condition precedent to registration.

100. Where the Hackney Carriage Regulation VI of 1089, as amended by Regulation I of 1103, is in force in any area of a municipality the person appointed to perform the functions of the registering officer under the said Regulation in respect of such area shall, before registering any hackney carriage thereunder satisfy himself that the municipal council has received payment of the tax, if any, due under Section 91 or section 98, as the case may be, on account of the last preceding half-year and the current half-year.

Powers to seize carriages and carts not bearing numbers.

Seizure of vehicles not bearing numbers.

101. (1) If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under Section 97 or Section 98, as the case may be, the chairman may at any time seize and detain the vehicle and the animal, if any, by which it is drawn :

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

Vehicles no claimed within ten days to be sold.

102. If the vehicle or animal seized under Section 101 be not claimed and the tax due thereon paid within ten days from the date of seizure, the chairman may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any due, on the vehicle or animal sold ;

(ii) such penalty not exceeding the amount of the tax as the chairman may direct; and

(iii) a sum of one rupee on account of charges incurred in connexion with the seizure, detention and sale.

When seized vehicles to be returned.

103. If the owner of the vehicle or animal seized under Section 101 or other person entitled thereto claims the same within ten days from the date of seizure or at any time before the sale, it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the chairman may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure and detention.

Tolls.

General provisions for tolls on vehicles and animals.

104. If the council by a resolution determines that tolls shall be levied on vehicles and animals entering the municipality, such tolls shall be levied at the rates fixed by the council in accordance with Schedule II and specified in the notification published under Section 72 in pursuance of such resolution and from the date specified in such notification:

Provided that no toll shall be leviable on any vehicle or animal—

(*a*) licensed or registered by the municipal council,

(*b*) belonging to our Government or the Municipality, or declared by Our Government as belonging to the Palaces or the Residency,

(*c*) exempted by Notifications in Our Government Gazette,

(*d*) carrying any municipal or police officer on duty, or

(*e*) carrying any person or property in the custody of a police officer.

Construction of toll stations and collection of tolls.

105. (1) The council shall construct toll-stations and may construct toll-bars on or within the municipal boundary, and

(*a*) may place the collection of the tolls under the management of such persons as it thinks fit, or

(*b*) may farm them out on such terms and conditions as it thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by or under this Regulation for the levy and collection of tolls :

Provided that—

(*a*) no toll-stations shall be constructed on the boundary between contiguous municipalities, and

(*b*) Our Government may either generally or in any particular case issue such orders as they may deem fit for regulating the number and location of toll-stations, and determining, in the case of neighbouring local authorities, which of the local authorities shall be in charge of particular toll-stations and how much of the revenue realized by any such local authority from a toll-station or toll-stations in its charge shall be paid to another neighbouring local authority.

Composition

(2) With the sanction of the council or in accordance with regulations framed by that body, the chairman may whether the tolls have been farmed out or not compound with any person living outside the municipality for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Regulation.

Procedure in case of non-payment of tolls.

106. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due ;

in the absence of any such appurtenances or load or in the event of their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal.

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the chairman or to such person as he may have authorised to receive and sell such property and the chairman shall forth with give notice to the proprietor of the property seized, or, if the proprietor is not known, or is not resident within the municipality, to the person who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum, that after the expiry of two days, exclusive of Sunday, from the date of service or publication of such notice, the property will be sold in auction at a place to be specified in the notice.

(3) If at any time before the sale has begun the amount due on account of the toll, together with a sum of four annas on account of charges incurred in connexion with the seizure and detention, is tendered to the chairman or other person authorized as aforesaid, the property seized shall be forthwith realeased.

(4) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of

(i) the amount due on account of the toll;

(ii) such penalty not exceeding the amount of the toll as the chairman may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure, detention and sale.

107. No person shall with intent to evade payment of toll cause a vehicle or animal

Attempts to evade payment of tolls.

(*a*) to pass a toll-station in a rapid or surreptitious manner ;

(*b*) to pass a toll-station without stopping if he is required by the toll-keeper to stop ; or

(*c*) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

ble of tolls.

108. At every toll-station, a table of the tolls leviable shall be put up legibly written or painted in English and in the vernacular language of the district in some conspicuous place near such toll-station and in the absence of such table no tolls shall be leviable at the station.

General provisions regarding taxation and finance.

Power to exempt from taxes or tolls.

109. With the sanction of Our Government the municipal council may exempt any person or class of persons, wholly or in part from the payment of any tax or toll. But nothing in this section shall be deemed to authorize the exemption of any person solely on the ground that he is a member of a municipal council.

Power to write off irrecoverable taxes and tolls, etc.

110. The municipal council may write off any tax, toll, fee or other amount whatsoever due to it, whether under a contract or otherwise, or any sum payable in connexion therewith, if in its opinion, such tax, toll, fee, amount or sum is irrecoverable.

Definition of municipal fund.

111. All moneys received by the municipal council shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of subject to the provisions of this Regulation or other laws.

Budget estimate.

112. The municipal council shall before the end of Medom in each year frame a budget showing the probable receipts and the

expenditure which it proposes to incur during the following year and shall submit a copy of the budget to Our Government before such date as may be fixed by them in that behalf. The budget shall contain provision, adequate in the opinion of Our Government, for the due discharge of all liabilities in respect of loans contracted by the Council and for the maintenance of a working balance; and if the budget as submitted to Our Government fails to make these provisions, Our Government may modify any part of the budget so as to ensure that such provisions are made.

113. If in the course of a year a municipal council finds it necessary to modify the figures shown in the budget with regard to its receipts or to the distribution of the amounts to be expended on the different services it undertakes, it may submit a supplemental or revised budget provided that no alteration shall be made without the consent of Our Government in the amount allotted for the service of debt or in the working balance.

Revised or supplemental budget.

114. Our Government shall appoint auditors of the account of receipt and expenditure of the municipal fund. Such auditors shall be deemed to be 'public servants, within the meaning of Section 15 of the Travancore Penal Code.

Appointment of auditors of accounts.

115. If the expenditure incurred by Our Government or by any other municipality to which this Regulation applies or by any other local authority in Travancore for any purpose authorized by or under Part II of Schedule II is such as to benefit the inhabitants of a municipality, the municipal council may, with the sanction of Our Government, make a contribution towards such expenditure.

Contributions to expenditure by other local authorities.

Time within which contribution should be objected to.

116. Our Government may direct a municipal council to show cause, within a month after receipt of the order containing the direction, why any contribution described in Section 115 should not be made.

Contribution to be paid as per final orders of Government.

117. If the municipal council fails to show cause within the period prescribed in Section 116 to the satisfaction of Our Government Our Government may direct it to make such contribution as they shall name, and it shall be paid accordingly.

Application of Schedule II

118. The rules and tables embodied in Schedule II shall be read as part of this Chapter.

Recovery of loans and advances made by Our Government

119. Our Government shall be entitled to recover in the manner provided by sub-section (4) of Section 37 of this Regulation or by suit any loan or advance made to any municipal council for any purpose to which the funds of the said council may be applied under this Regulation.

PART IV—PUBLIC HEALTH—SAFETY AND CONVENIENCE.

Chapter VII.—Water-supply, Lighting and Drainage.

Water-supply—Vesting of works and powers of municipal authorities.

Vesting of works in municipal councils.

120. (1) All public water-courses and springs and all public reserviors, tanks, cisterns, fountains, wells, standpipes and other water-works existing at the time of the coming into force of this Regulation or afterwards made, laid or erected, and whether made, laid or erected at the cost of the municipal council or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the council and be subject to its control.

(2) Our Government may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto after con-

sulting the municipal council and giving due regard to its objections, if any.

Construction and maintenance of water-works.

121. The municipal council may, with the sanction of Our Government, direct the construction of such works as it deeems fit without the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, standpipes, and other works as it may deem fit within the said limits for the use of the inhabitants.

(2) The council may cause existing works for the supply of water to be maintained and supplied with water, or it may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Trespass on premises connected with water-supply.

122. It shall not be lawful for any person except with permission duly given and obtained to enter upon land belonging to or vested in a municipal council along which a conduit or pipe runs, or upon any premises connected with the water-supply.

Prohibition of building over water mains.

123. (1) Without the permission of the council no building, wall or other structure shall be newly erected and no street or railway shall be constructed over any municipal water mains.

(2) If any building, wall or other structure be so erected or any street or railway be so constructed, the council may cause the same to be removed or otherwise dealt with as shall appear to it fit and the expenses thereby incurred shall be paid by the persons offending.

Supply for domestic use.

Council to provide water for domestic use.

124. The municipal council shall, so far as the funds at its disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

Control over house-connexions.

125. All house connexions, whether within or without the premises to which they belong, with any water-supply mains which may have been constructed by a

municipal council shall be under the control of the council, but shall be altered, repaired and kept in proper order, at the expense of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with bye-laws and regulations framed by the council in this behalf.

Private wter-supply for consumption and domestic use and powers of chairman to enforce provision of water-supply.

126. (1) In municipalities in which there is a pipe supply of water, the chairman may, at his discretion, on application by the owner or occupier of any building, arrange, in accordance with the bye-laws, to supply water thereto for domestic consumption and use:

Provided that the chairman shall not, without the sanction of the council, agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) Whenever it appears to the chairman that any dwelling-house assessed at an annual value of not less than two hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the chairman may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the bye-laws and regulations.

(3) The cost of making the connexion and the cost or hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax.

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation,

(c) for building purposes,

(d) for fountains, swimming baths, public baths, tanks in or near temples and mosques within the municipality or for any namental or mechanical purpose,

(e) for animals, or for washing vehicles where such animals or vehicles are kept for sale or hire ;

but shall be deemed to include a supply—

(a) for flushing latrines,

(b) for all baths other than swimming baths or public baths,

(c) for the consumption and use of inmates of hotels, boarding houses and the like and for baths used by such inmates.

(4) For all water supplied under this section in excess of a maximum determined by bye-laws made by the council, payment shall be made at such times and on such conditions as may be laid down in such bye-laws and shall be recoverable in the same manner as the property-tax.

Private water-supply for non-domestic purposes.

127. (1) The chairman may at his discretion supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such a supply is required and the quantity likely to be consumed.

Chairman's power to supply water for non-domestic purposes at rates fixed by council.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be determined by the council by general or special order.

Supply beyond limits of municipality.

128. The council may with the sanction of and on such terms (if any) as may be approved by Our Government supply water to a local authority or other person without the municipality.

Supply without the municipality.

Cutting off water-supply.

Power to cut off water-supply.

129. (1) The chairman may cut off the supply of municipal water from any premises—

(*a*) if the premises are unoccupied ;

(*b*) if any water-tax or any sum due for water for the cost of making a connexion or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Regulation, is not paid within fifteen days after a bill for such tax or sum has been presented ;

(*c*) if, after receipt of a notice from the chairman requiring him to refrain from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any bye-law made under this Regulation ;

(*d*) if the owner or occupier neglects within a period specified in any notice issued by the chairman under any bye-law made under this Regulation to put up a meter or to comply with any other lawful order or requisition ;

(*e*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying municipal water ;

(*f*) if the occupier refuses to admit the chairman into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connexion with the water-supply or prevents the chairman doing such work, placing or removing such apparatus or making such examination or inquiry ;

(*g*) if any pipes, taps, works or fittings connected with the municipal water-supply are found on examination by the chairman to be out of repair to such an extent as to cause waste or contamination of water ;

(*h*) if the owner or occupier causes pipes, taps, works or fittings connected with

the municipal water-supply to be placed, removed, repaired or otherwise interfered with in violation of the bye-laws :

Provided that in cases under sub-clauses (*e*), (*f*), (*g*) and (*h*) the chairman shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (*b*) as soon as any money for non-payment of which water has been cut off together with the expense of cutting off the supply, has been paid by the owner or occupier, the chairman shall cause water to be supplied as before on payment of the cost (if any) of re-connecting the premises with the municipal water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of council for reduction or stoppage of supply in certain cases.

130. The municipal council shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of express stipulation in an agreement for the supply of water for other than domestic purposes) in the case of any drought, or other unavoidable cause or accident, or the necessity for relaying or repairing pipes.

Lighting.

Provision for lighting public streets.

131. The municipal council shall, so far as the funds at its disposal permit, cause the public streets to be lighted and for that purpose shall provide such lamps and works as it thinks necessary.

Public drainage.

Maintenance of system of drainage by council.

132. The municipal council shall, so far as the funds at its disposal may admit, provide and maintain a sufficient system of public drains.

Private drainage.

Control over house-drains privies and cess-pools.

133. All house-drains whether within or without the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipal council but shall be altered, repaired, cleansed, and kept in proper order, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed, and in conformity with bye-laws and regulations framed by the council in this behalf.

Connexion of house-drains, with public drains.

134. (1) The chairman shall on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the bye-laws, for the connexion of the applicant's drain with any public drain at a distance not exceeding three hundred feet therefrom at the applicant's expense.

(2) If there is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises, the chairman may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall, and to execute all such works as may be necessary in accordance with the by-laws and regulations at such owner's expense.

(3) If any premises are in the opinion of the chairman, without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or its place of outfall, the chairman may by notice direct the owner of the said premises to construct a cess-pool or septic tank or filters of such material, dimensions and description, in such position and at such level as the chairman thinks

necessary, and to construct a drain or drains emptying into such cess-pool, tank or filters and to execute all such works as may be necessary in accordance with the bye-laws and regulations :

Provided that—

(*a*) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under sub-section (5) of Section 75 ;

(*b*) no person shall be required under this section to expend a sum exceeding five times the property tax on any such building, with the land assessed with it as part of the same premises, or in the case of buildings exempted under Section 75, five times the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt and if any amount exceeding the said sum is expended, the excess shall be borne by the council.

Chairman may close or limit the use of existing private drains.

135. (1) Where a drain connecting any premises with a public drain or other place set apart by the municipal council for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the chairnan, adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the chairman with the approval of the council may—

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose ; or

(*b*) direct that such drain shall, from such date as he specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage or sewage

only, and by notice require the owner of the premises to make, at his own expense, an entirely distinct drain for water unpolluted with sullage, or sewage or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the chairman under clause (1) (*a*) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid; and the expense of the construction of any drain so provided by the chairman and of any work done under clause (1) (*a*) shall be paid by the council.

Power of chairman to drain premises in combination.

136. (1) When the chairman is of opinion that any group or block of premises any part of which is situate within one hundred feet of a municipal drain already existing, or about to be constructed, may be drained more economically or advantageously in combination than separately, the chairman may, with the approval of the council, cause such group or block of premises to be drained by such method as appears to the chairman to be best suited therefor and the expenses incurred by the chairman in so doing shall be paid by the owners in such proportions as the council may decide.

(2) Not less than fifteen days before any work under this section is commenced, the chairman shall give notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall

be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall in the proportion in which it is determined that they are to contribute to the expenses incurred by the chairman under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

137. (1) Without the permission of the council no person shall place or construct any fence, building, culvert, drain-covering, drain or other structure or any street, railway or cable over, under, in or across any public drain, or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground.

Building, etc., not to be erected without permission over drains.

(2) The chairman may remove or otherwise deal with anything placed or constructed in contravention of sub-section (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in Section 347.

138. (1) The Chairman may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side channels or ditches at the entrances to the said building or land.

Construction of culverts or drain coverings by owner or occupier.

(2) All culverts or drain-coverings or pials maintained over side-channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of such form and size and consist of such materials and be provided with such means of ventilation as the chairman may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

Maintenance of troughs and pipes for catching water.

139. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the chairman put up and thenceforward maintain proper troughs and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the chairman may permit.

Public latrines.

Provision of public latrines and urinals.

140. The council shall, as far as the funds at its disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order.

Private latrines.

Provision of latrines by owner or occupier.

141. (1) The chairman may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice for the use of the persons employed in or about or occupying such building and to keep it clean and in proper order.

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number and in such position as the chairman may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

Provision of latrines for labourers.

142. Every person employing workmen, labourers or other persons exceeding ten in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the chairman may by notice require, within such time as may be fixed in the notice.

143. The chairman may by notice require the owner or manager of a market cart-stand, cattle-stand, choultry, theatre, railway station, dock, wharf or other place of public resort within the time specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such position as may be specified in such notice. Provision of latrines for markets, cart-stands, cattle sheds, choultry, etc.

144. All latrines shall be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order. Latrines to be screened from veiw and kept clean

General powers.

145. The chairman may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier, through, across, under, over or up the side of, any land or building in the municipality, and may place and maintain posts, poles, standards, brackets, or other contrivances to support wires and lights on any pole or post in the municipality not owned by the Government of India, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same: Power to carry wire, pipes, drains, etc., through private property subject to causing as little incovenience as possible and paying for direct damage

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the chairman shall, with the sanction of the council, pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connexion with mains without permission.

146. (1) No person shall, without the permission of the chairman, make any connexion with any municipal cable, wire, pipe, drain or channel or with the house-connexion of any other person.

(2) The chairman may by notice require any connexion made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Powers in respect of works outside the municipality.

147. (1) The municipal council shall not undertake new works beyond the limits of the municipality without the sanction of Our Government.

(2) The council may in the execution and for the purpose of any works beyond the limits of the municipality sanctiond by Our Government whether before or after the passing of this Regulation, exercise all the powers which it may exercise within the municipality throughout the line of the country through which conduits, channels, pipes, lines of posts and wires and the like run, and with the sanction of Our Government—

(*a*) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir,

(*b*) over any water-course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which water is taken for such use, and

(*c*) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

Chapter VIII.—Scavenging.

Municipality to arrange for the removal of rubbish and filth.

148. Every municipal council shall make adequate arrangements for—

(a) the regular sweeping and cleansing of the streets and removal of sweepings therefrom;

(b) the daily removal of filth and the carcasses of animals from private premises; and

(c) the daily removal of rubbish from dust-bins and private premises; and with this object, it shall provide

(i) depots for the deposit of filth, rubbish and the carcasses of animals

(ii) covered vehicle or vessels for the removal of filth;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish;

(iv) dust-bins for the temporary deposit of rubbish.

Contributions from persons having control over places of pilgrimage, etc.

149. Where a mosque, temple, mutt or any place of religious worship or instruction or any place which is used for holding fairs, festivals or for other like purposes is situated within the limits of a municipality or in the neighbourhood thereof and attracts either throughout the year or on particular occasions a large number of persons, any special arrangements necessary for public health, safety or convenience whether permanent or temporary shall be made by the municipal council, and the council may require the trustee or other person having control over such place to make such recurring or non-recurring contribution as Our Government may determine to the funds of the municipal council.

Prohibition of improper disposal of carcasses, rubbish and filth.

150. No person shall after due provision has been made under Section 148 by the municipal council for the deposit and removal of the same,

(*a*) deposit the carcasses of animals, rubbish or filth, in any street, or on the veranda of any building or on any unoccupied ground alongside any street, or on any public quay, jetty or landing-place, or on the bank of a water-course or tank ; or

(*b*) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same ; or

(*c*) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of deodorizing or disinfecting the filth.

Prohibition against keeping filth on premises too long, etc.

151. No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours any filth on such premises or any building or on the roof thereof or in any out-building or any place belonging thereto, or fail to comply with any requisition of the chairman as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises.

Prohibition against allowing outflow of filth.

152. No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises in such a manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a street.

Prohibiton against using any cart without cover in the removal of filth, etc.

153. No person shall, in the removal of filth, use any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill

any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel closed or open.

154. No person shall put or cause to be put any rubbish or filth into any public drain not intented for rubbish or filth or into any drain communicating with any such public drain. Prohibition against throwing rubbish or filth into drains.

Chapter IX.—Streets.

Public streets.

155. (1) The municipal council shall, at the cost of the municipal fund, cause the public streets and bridges to be maintained and repaired and may from the same fund meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience. Maintenance and repair of streets.

(2) The council may entrust to any other local authority with the consent of such authority the maintenance of any public street or portion thereof, the cost of maintenance being provided by the council.

156. (1) The council may— Powers of municipal authorities.

(*a*) lay out and make new public streets ;

(*b*) construct bridges and sub-ways ;

(*c*) turn, divert or with the special sanction of Our Government permanently close any public street or part thereof ;

(*d*) widen, open, extent or otherwise improve any public street.

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

157. (1) When a public street is permanently closed under section 156, the municipal council may, with the sanction of Our Government, dispose of the site or of Power to dispose of permanently closed streets.

so much thereof as is no longer required, in such manner as may be approved by Our Government, provided that due compensation is made to any person injured by such closing.

(2) In determining such compensation, allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets

158. (1) The council may acquire -

(*a*) any land required for the purpose of opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land; and

(*b*) any land outside the proposed street alignment, with the buildings, if any, standing thereupon :

Provided that, in any case in which it is decided to acquire any land under clause (*b*) of this sub-section, the owner of such land may retain it by paying to the municipal council an annual sum to be fixed by the council in that behalf, or a lump sum to be fixed by the council, not being less than twenty-five times such annual sum and subject to such conditions as the council thinks fit as to the removal of the existing building if any, the description of the new building (if any) to be erected, the period within which the new buiding (if any) shall be completed and any other similar matters.

(2) If any sum payable in pursuance of the proviso to sub-section (1) in respect of any land be not duly paid, it shall be recoverable in the manner provided by this Regulation for the collection of taxes, and, if not so recovered, the chairman may enter

upon the land, and sell it, with any erections standing thereon, by public auction subject to the conditions, if any, imposed under sub-section (1) above and may deduct the said sum and the expenses of the sale from the proceeds of the sale and shall pay the balance (if any) to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (1) or recovered under sub-section (2) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the property tax.

(4) Any land or building acquired under sub-section (1), clause (*b*), may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the council thinks fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(5) The council may require any person to whom any land or building is transferred under sub-section (4) to comply with any conditions comprised in the said conveyance before it places him in possession of the land or building.

Power to prescribe building line and street alignment.

159. The council may—

(*a*) prescribe for any public street a building line or a street alignment or both ;

(*b*) from time to time define a fresh line in substitution for any line so defined or for any part thereof :

Provided that in either case—

(i) at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given and special notice thereof has also been put up in the street or part of the street for which such line is proposed to be defined ; and

(ii) the council consider all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

Buildings not to be constructed within street alignment or building line.

160. (1) No person shall construct any portion of any building within a street alignment defined under Section 159.

(2) No person shall erect or add to any building between a street alignment and a building line defined under Section 159, except with permission of the chairman, who may when granting permission impose such conditions as the council may lay down for such cases.

Setting back projecting buildings or walls.

161. (1) When any building or part thereof abutting on a public street is within a street alignment defined under Section 159, the chairman may, whenever it is proposed,

(*a*) to rebuild such building or take it down to an extent exceeding one-half thereof above the ground level, such half to be measured in cubit feet; or

(*b*) to remove, reconstruct or make any addition to any portion of such building which is within the street alignment in any order which he issues concerning the rebuilding, alteration or repair of such building, to be set back to the street alignment.

(2) When any building or any part thereof within the street alignment falls down or is burnt down or is, whether by order of the chairman or otherwise taken down, or when any private land without any building thereon lies within the street alignment, the chairman may forthwith take possession on behalf of the council of the portion of land within the street alignment and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the municipal council.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the chairman takes

possession of any land under sub-section (2), the council shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation.—The expression 'direct damage' as used in sub-section (4) with reference to land means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size ; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

162. The council may, upon such terms as it thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, by notice, require any building to be so set forward in the case of reconstruction thereof or of a new construction.

Explanation.— For the purpose of this section a wall separating any premises from a public street shall be deemed to be a building ; and it shall be deemed a sufficient compliance with permission or requisition to set forward a building to the street alignment if a wall of such material and dimensions as are approved by the chairman is erected along the said line.

Projected streets.

163. (1) The council may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) The width of such proposed streets shall not ordinarily be less than forty feet, or in any area covered by huts, twenty feet.

(3) It shall be the duty of the council to lay out public streets in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view to the contingency of buildings being erected therein.

(4) When any plan has been prepared under sub-section (1), the street to which it refers shall be deemed to be a projected public street, and the provisions of Section 161 shall apply to all buildings, so far as they stand across the street alignment or building line of the projected street.

Watering of streets.

164. The council shall, so far as it considers it requisite for the public convenience, and so far as funds permit, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as it thinks necessary.

Temporary closure of streets.

165. The chairman may by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Regulations:

Provided that such work shall be completed and such street reopened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

166. It shall not be lawful for any person, without the permission of the chairman, to displace, take up, or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

Power of municipality to recover expenses caused by extraordinary traffic.

167. When by a certificate of an officer of the Government Public Works Department of a rank not below that of Executive Engineer it appears to the council that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the municipal council in repairing a street by reason of the damage caused by excessive

weight passing along, the street or extraordinary traffic thereon, the council may recover in the civil court having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by such council by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the council for the payment to it of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

Licensing of motor vehicle plying for hire and motor lorries.

168. (1) No person shall use—

(a) any motor vehicle for carrying passengers for hire or

(b) any motor lorry

on any public street in any municipality, except on a licence obtained from the chairman.

(2) The municipal council may, with the previous approval of Our Government, make regulations determining the rates of fares for passengees and of freight for goods carried in such vehicles and specifying the other condition on which such licenses may be granted.

(3) Every licence granted under sub-section (1) shall expire at the end of the year in which it is granted.

(4) (a) Any person aggrieved by an order of the chairman under sub-section (1) may appeal against such order to the municipal council.

(*b*) The period of limitation for such appeal shall be—

(i) where the appeal is against an order refusing a licence.	fifteen days from the date of communication of the order to the applicant ; and
(ii) where the appeal is against an order granting a licence.	thirty days from the date of publication of the order on the notice board of the municipal council.

Private streets.

Owner's obligation to make a street when disposing of land as building sites.

169. If the owner of any land utilizes, sells, leases or otherwise disposes of such land or any portion or portions of the same as sites for the construction of buildings, he shall save in such cases as the site or sites may about on an existing public or private street, lay down and make a street or streets or road or roads giving access to the site or sites and connecting with an existing public or private street.

Making of new private streets

170. (1) Any person intending to make or lay out a new private street shall send to the municipal office a written application with plans and sections showing the following particulars, namely,—

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provision of this Regulation and of any rules or bye-laws made under this Regulation as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1) ; and all the particulars referred to in that sub-section shall be subject to approval by the council.

(3) Within sixty days after the receipt of any application under sub-section (1) the council shall either sanction the making of the street on such conditions as it may think fit, or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the council likely to be made, for carrying out any general scheme for the laying out of streets,

(ii) if the proposed street does not conform to the provisions of the Regulation, rules and bye-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the council. If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information :

Provided that the passing of such order shall not in any case be delayed for more than sixty days after the council has received all the information which it considers necessary to enable it to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of receipt in the municipal office shall be deemed to have been sanctioned.

Alteration or demolition of street made in breach of Section 170.

171. (1) If any person makes or lays out any street referred to in Section 170 without or otherwise than in conformity with the orders of the council, the chairman may, whether or not the offender be prosecuted under this Regulation, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and send to the chairman on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the chairman, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the chairman why such street should not be so altered or demolished, the chairman may pass an order directing the alteration or demolition of such street.

Power of chairman to order work to be carried out or to carry it out himself in default.

172. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, conserved or lighted to the satisfaction of the chairman, he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof to carry out any work, which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the chairman may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands and in such proportion as may be settled by the chairman.

Right of owners to require street to be declared public.

173. If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of Section 172 such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street.

Encroachment on streets.

174. No one shall build any wall or erect any fence or other obstruction, or projection, or make any encroachment in or over any street except as hereinafter provided.

Prohibition against obstructions in or over streets.

175. All streets vested in or to be vested in or maintained by a municipal council shall be open to persons of whatever caste or creed.

Public streets open to all.

176. (1) No door, gate, bar or ground-floor window shall without a licence from the chairman be hung or placed so as to open outwards upon any street.

(2) The chairman may by notice require the owner of such door, gate, bar or window to alter it so that no part thereof when open shall project over the street.

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

177. (1) The chairman may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor window) situated against or in front of such premises and in or over any street.

Removal of encroachments.

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is vaild has not expired, the municipal council shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

178. (1) The council may grant a licence, subject to such conditions and restrictions as it may think fit, to the owner or

Power to allow certain projections and erections.

occupier of any premises to put up verandahs, balconies, sun-shades, weather-frames and the like, to project over a street, or in streets in which the construction of arcades has been sanctioned by the council, to put up an arcade ; or to construct any step or drain covering necessary for access to the premises.

(2) The chairman may grant a licence, subject to such conditions and restrictions as he may think fit, for the temporary erection of pandals and other structures in a public street vested in the council or in any other public place the control of which is vested in the council.

(3) The council shall have power to lease roadsides and street margins vested in it for occupation on such terms and conditions and for such period as the council may fix.

(4) But neither a licence under sub-section (1) nor a lease under sub-section (3) shall be granted if the projection, construction or occupation is likely to be injurious to health or cause public inconvenience or otherwise materially interfere with the use of the road as such.

(5) Our Government may, by notification, restrict and place under such control as they may think fit, the exercise by municipal councils in general or by any municipal council in particular, of the powers under sub-sections (1) and (3).

(6) On the expiry of any period for which a licence has been granted under this section, the chairman may, without notice, cause any projection or construction put up under sub-section (1) or (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in Section 347 from the person to whom the licence was granted.

Precautions during repair of streets.

179. (1) The chairman shall during the construction or repair of any street, drain or premises vested in the municipal council,

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The chairman shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The chairman shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street, or premises and remove the rubbish occasioned thereby.

180. No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under Section 179. Prohibition against removal of bars and lights.

181. (1) No person shall make a hole or cause any obstruction in any street, unless he previously obtains the permission of the chairman and complies with such conditions as that officer may impose. Prohibition against making holes and causing obstruction.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

182. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or footway is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the chairman in that behalf and shall also — Licence for work on buildings likely to cause obstruction.

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents during such time as the public safety or convenience requires.

Clearing of debris of fallen houses etc., by occupiers.

183. If any obstruction is caused in any street by the fall of trees, structures or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the chairman may by notice allow, clear the streets of such obstruction.

Naming of streets.

Naming of public streets.

184. (1) The council shall give names to new public streets and may alter the name of any public street.

(2) The chairman shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

(3) No person shall without lawful authority destroy, pull down, or deface any such name or put up any name different from that put up by order of the chairman.

Numbers on buildings.

Numbering of buildings.

185. (1) The chairman may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the chairman may by notice require him to replace it.

Chapter X.—Building Regulations.

General powers.

186. (1) Our Government may make rules— Building

(*a*) for the regulation or restriction of the use of sites for building, and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building, and

(*b*) that no site shall be used for the construction of a building intended for public workship, if the construction of the building thereon will wound the religious feelings of any class of persons.

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters :—

(*a*) information and plans to be submitted together with applications for permission to build ;

(*b*) height of buildings, whether absolute or relative to the width of streets

(*c*) level and width of foundation, level of lowest floor, and stability of structure ;

(*d*) number and height of stories composing a building and height of rooms;

(*e*) provision of sufficient open space external or internal and adequate means of ventilation ;

(*f*) provision of means of egress in case of fire ;

(*g*) provision of secondary means of access for the removal of filth ;

(*h*) materials and methods of construction of external and party walls, roofs and floors ;

(*i*) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools ;

(*j*) paving of yards ;

(*k*) restrictions on the use of inflammable materials in building ; and

(*l*) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

Building site and construction or reconstruction of buildings.

187 No piece of land shall be used as a site f.. the construction of a building and no building shall be constructed or reconstructed otherwise than in accordance with the provisions of this part and of any rules or bye-laws made under this Regulation relating to the use of building-sites or the construction or reconstruction of buildings :

Provided that Our Government may in respect of all municipalities, or with the consent of the municipal council, in respect of any particular municipality or portio thereof, exempt all buildings or any class of buildings from all or any of the provisions of this chapter or the said rules.

Power of council to regulate future construction of certain classes of buildings in particular streets or localities.

188. (1) The council may give public notice of its intention to declare—

(*a*) that in any streets or portions of streets specified in the notice,

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the council may consider suitable to the locality, or

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(c) that in any streets, portions of streets or localities specified in the notice, the construction of shops, warehouses, factories, huts or buildings of a specified architectural character or buildings destined for particular uses will not be allowed, without the special permission of the council.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it but not so as to extend its effect.

(4) The chairman shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or reconstruct any building in contravention of any such declaration.

Buildings at corner of streets.

189. (1) The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as it may determine, and may acquire such portion of the site at the corner as it may consider necessary for public convenience or amenity.

(2) For any land so acquired the municipal council shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

Prohibition against use of inflammable materials for buildings without permission.

190. No external roof, verandah, pandal or wall of a building shall be constructed or reconstructed of grass, leaves, mats or other inflammable materials except with the permission of the chairman.

Prohibition against constructing doors, ground-floor windows and bars so as to open outwards.

191. No door, gate, bar or ground-floor window which opens on any public street shall be constructed or reconstructed so as to open outwards except with the chairman's licence under Section 176.

Buildings other than huts.

Application to construct or reconstruct building.

192. (1) If any person intends to construct or reconstruct a building other than a hut he shall send to the chairman—

(*a*) an application in writing for the approval of the site, together with a site plan of the land, and

(*b*) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building, and specification of the work.

Explanation.—'Building' in this sub-section shall include a wall or fence of whatever height bounding or abutting on any public street.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or bye-laws.

Necessity for prior approval of site.

193. The chairman shall not grant permission to construct or reconstruct a building unless and until he has approved of the site on an application made under section 192.

Prohibition against commencement of work without permission.

194. The construction or reconstruction of a building shall not be begun unless and until the chairman has granted permission for the execution of the work.

Period within which chairman is to signify approval or disapproval.

195. Within thirty days after the receipt of any application made under section 192 for approval of a site or of any information or further information required under rules or bye-laws, the chairman shall by written order either approve the site or refuse on one or more of the grounds mentioned in Section 198 to approve the site.

196. Within thirty days after the receipt of any application made under Section 192 for permission to execute any work or of any information or of documents or further information or documents required under rules or bye-laws, the chairman shall by written order either grant such permission or refuse on one or more of the grounds mentioned in Section 198 to grant it : — Period within which chairman is to grant or refuse to grant permission to execute work.

Provided that the said period of thirty days shall not begin to run until the site has been approved under Section 195.

197. (1) If, within the period prescribed by Section 195 or Section 196, as the case may be, the chairman has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the council shall be bound, on the written request of the applicant, to determine by written order whether such approval or permission should be given or not. — Reference to council if chairman delays grant or refusal of approval or permission.

(2) If the council does not, within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Regulation or any rules or bye-laws made under this Regulation.

198. The only grounds on which approval of the site for the construction or reconstruction of a building or permission to construct or reconstruct a building may be refused are the following, namely :— — Grounds on which approval of site for, or license to construct or reconstruct building may be refused.

(1) that the work, or use of the site for the work or any of the particulars comprised in the site plan, ground plan, elevation, sections or specification would contravene some specified provision of any law, or some specified order, rule, declaration or bye-law made under any law ;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws ;

(3) that any of the documents referred to in Section 192 have not been signed as required under rules or bye-laws ;

(4) that any information or documents required by the chairman under rules or bye-laws has or have not been duly furnished ;

(5) the streets or roads have not been made as required by Section 169 ; or

(6) that the proposed building would be an encroachment upon Government or municipal land.

Whenever the chairman or the council refuses to approve a building-site for a building or to grant permission to construct or reconstruct a building, the reasons for such refusal shall be specially stated in the order or resolution.

Lapse of permission.

199. If the construction or reconstruction of any building is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued.

Power of chairman to require alteration of works.

200. (1) If the chairman finds that the work—

(*a*) is otherwise than in accordance with the plans or specifications which have been approved, or

(*b*) contravenes any of the provisions of this Regulation or any bye-law, rule, order or declaration made thereunder, he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the chairman shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

201. Notwithstanding anything contained in any of the preceding sections, the chairman may at any time stop the construction or reconstruction of any building if in his opinion the work in progress endangers human life.

Wells.

Application of certain sections to wells.

202. The provisions of Section 192, Section 193, Section 194, Section 199, Section 200 and Section 201 shall, so far as may be, apply to a well.

Huts.

Application to construct or reconstruct huts.

203 (1) Every person who intends to construct or reconstruct a hut shall send to the chairman—

(*a*) an application for permission to execute the work, and

(*b*) a site-plan of the land.

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or bye-law.

Prohibition against commencement of work without permission.

204. The construction or reconstruction of a hut shall not be begun unless and until the chirman has granted permission for the execution of the work on an application sent to him under Section 203.

Period within which chairman is to grant or refuse to grant permission to execute the work.

205. Within fourteen days after the receipt of any application made under section 203 for permission to construct or reconstruct a hut or of any information or plan or further information or fresh plan

required under rules or bye-laws, the chairman shall by written order either grant such permission or refuse on one or more of the grounds mentioned in Section 207 to grant it

efcrence to council if chairman delays passing orders.

206. (1) If, within the period prescribed by Section 205, the chairman has neither granted nor refused to grant permission to construct or reconstruct a hut, the council shall be bound, on the written request of the applicant, to determine by written order whether such permission should be granted or not.

(2) If the council does not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted ; and the applicant may proceed to execute the work but not so as to contravene any of the provisions of this regulation or any rules or bye-laws made under this regulation.

Grounds on which permission to construct or reconstruct hut may be refused.

207. The only grounds on which permission to construct or reconstruct a hut may be refused are the following, namely:—

(1) that the work or use of the site for the work would contravene some specified provision of any law or some specified order, rule, bye-law or declaration made under any law ;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or bye-laws ;

(3) that any information or plan required by the chairman under rules or bye-laws has not been duly furnished ;

(4) that streets or roads have not been made as required by Section 169 ; or

(5) that the proposed building would be an encroachment upon Government or municipal land ;

Whenever the chairman or the council refuses to grant permission to construct or reconstruct a hut the reasons for such refusal shall be specifically stated in the order or resolution.

208. If the construction or reconstruction of any hut is not completed within the period specified the permission shall lapse and a fresh application shall be made before the work is continued, Lapse of permission.

External walls, alterations and additions.

209. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the chairman. Maintenance of external walls in repair.

210. (1) The provisions of this chapter and of any rules or by-laws made under this Regulation relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto : Application of provisions to alterations and additions.

Provided that works of necessary repair which do not affect the position or dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimension of a building or room such question shall be referred to the council whose decision shall be final.

Powers of the chairman.

211, (1) If the chairman is satisfied Demolition or alteration of building work unlawfully commenced, carried on or completed.

(i) that the construction or reconstruction of any building or well—

(*a*) has been commenced without obtaining the permission of the chairman or (where an appeal or reference has been made to the council) in contravention of any order passed by the council ; or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on, or has been completed in breach of any of the provisions of this Regulation or of any rule or bye-law made under this Regulation or of any direction or requisition lawfully given or made under this Regulation or such rules or bye-laws, or

(ii) that any alterations required by any notice issued under Section 200 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to or upon any building has been commenced or is being carried on or has been completed in breach of Section 210, he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the chairman, has been unlawfully executed or to make such alterations as may in the opinion of the chairman be necessary to bring the work into conformity with the Regulation, bye-laws, rules, direction or requisition as aforesaid, or with the plans and particulars on which such permission or order was based ; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The chairman shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the chairman, the chairman may confirm the order with any modification he may think fit to make, and such order shall then be binding on the owner.

Exemptions.

212. (1) Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than Section 191 provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building. **Exemptions.**

(2) The chairman may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or materials, or for other similar purposes. On expiry of the period specified, the chairman may by notice require the owner of such hut or shed to demolish it.

CHAPTER XI.—NUISANCES.

Dangerous structures, trees and places.

213. (1) If any structure appears to the chairman to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures the chairman may by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom. **Precautions in case of dangerous structures.**

(2) If immediate action is necessary the chairman shall himself before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in Section 347.

(3) If in the chairman's opinion the said structure is imminently dangerous to the inmates thereof, the chairman shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Precautions in case of dangerous trees.

214. (1) If any tree or any branch of a tree or the fruit of any tree appears to the chairman to be likely to fall and thereby endanger any person or any structure the chairman may by notice require the owner of the said tree to secure, lop, or cut down the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the chairman shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in Section 347.

Precautions in case of dangerous tanks, wells, holes, etc.

215. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the chairman to be for want of sufficient repair, protection or enclosure dangerous to the passers-by or to persons living in the neighbourhood, the chairman may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary he shall, before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in Section 347.

Power to stop dangerous quarrying.

216. If in the opinion of the chairman the working of any quarry or the removal of stone, earth or other material from any place is dangerous to persons residing in or

having legal access to the neighbourhood thereof or creates or is likely to create a nuisance the chairman may require the owner or person having control of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place or to take such order with such quarry or place as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Precautions against fire

217. (1) The chairman may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, veranda, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other highly inflammable materials to remove or alter such tent, booth, structure, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the chairman may think necessary to prevent danger from fire.

(2) The chairman may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

(3) Where the chairman is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may with the sanction of the council by notice require the owner or occupier of the building to alter or reconstruct any stair-case in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience

ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that gangways, passages and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.

Control over waters, etc.

Prohibition of construction of wells, tanks, etc, without the chairman's permission.

218. (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the chairman.

(2) The chairman may grant permission subject to such conditions as he may deem necessary, or may, for reasons to be recorded by him, refuse it.

(3) If any such work is begun or completed without such permission, the chairman may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the chairman shall direct, or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Filling in of pools, etc., which are a nuisance.

219. (1) If in the opinion of the chairman—

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry hole, drain, cesspool, pit, water-course, or any collection of water, or

(*b*) any land on which water may at any time accumulate

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance, the chairman may by notice require the owner or person having control thereof to fill up, cover over, weed and stock with larvicidal fish, petrolize, drain or drain off the same in such manner and with such materials as the chairman shall direct or

to take such order with the same for removing or abating the nuisance as the chairman shall direct.

(2) If a person on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to chairman within the time specified for compliance therewith written objections to such requisition the chairman shall report such objections to the council, and shall make further inquiry into the case, and he shall not institute any prosecution for failure to comply with such requisition except with the approval of the council, but the chairman may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with Section 342 and, pending the council's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the chairman shall determine with the approval of the council whether the expenses of any work already done as aforesaid shall be paid by such owner or by the chairman out of the municipal fund or shall be shared, and, if so, in what proportions.

220. The council may, with the previous sanction of Our Government, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious : **Regulation or prohibition of certain kinds of cultivation.**

Provided that when such cultivation or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

Cleansing of insanitary private tank or well used for drinking.

221. (1) The chairman may by notice require the owner of or person having control over any private water-course, spring, tank, well or other place, the water of which is used for drinking, bathing or washing cloths to keep the same in good repair and to cleanse it of silt, refuse or vegetation and to protect it from pollution by surface drainage in such manner as the chairman may think fit.

(2) If the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the chairman to be unfit for the purpose, the chairman may by notice require the owner or person having control thereof to –

(*a*) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of council in respect of public well or receptacle of stagnant water.

222. The municipal council shall maintain in a clean condition all wells, tanks and reservoirs which are not private property, and may fill them up or drain them when it appears necessary to do so.

Public wells, etc., open to all.

223. All such wells, tanks and reservoirs when maintained by the municipal council shall be open to use and enjoyment by persons of whatever caste or creed.

Prohibition against or regulation of washing animals or cloths or fishing or drinking in public water-courses, tanks, etc.

224. The council may, in the interests of the public health, regulate or prohibit the washing of animals, cloths or other things, or fishing in any public spring, tank, well, public water-course or part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes, or animals, respectively, or for any other specified purpose.

Provision of public wash-house.

225. (1) The council may construct or provide and maintain public wash-houses or places for the washing of clothes, and may require the payment of such rents and fees

for the use of any such wash-house or place as it may determine.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time on such terms and conditions as it may think fit.

(3) If a sufficient number of public wash-houses or places be not maintained under sub-section (1), the council may without making any charge therefor appoint suitable places for the exercise by washermen of their calling.

Prohibition against washing by washerman at unauthorised places.

226. (1) The council may by public notice prohibit the washing of clothes by washermen in the exercise of their calling, either within the municipality or outside the municipality within three miles of the boundary thereof, except at—

(*a*) public wash-houses or places maintained or provided under Section 225 or

(*b*) such other places as it may appoint for the purpose.

(2) When any such prohibition has been made no person who is by calling a washerman shall, in contravention of such prohibition, wash clothes, except for himself or for personal and family service or for hire on and within the premises of the hirer at any place within or without municipal limits other than a public wash-house or a place maintained or appointed under this Regulation;

Provided that this section shall apply only to clothes washed within or to be brought within the municipality.

Prohibition against defiling water of tanks, etc, whether public or private.

227. It shall not be lawful for any person to—

(*a*) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes ; or

(*b*) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes ; or

(*c*) wash clothes in any place set apart as aforesaid for drinking or bathing ; or

(*d*) wash any animal or any cooking utensils or wool, skins or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes; or

(*e*) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, or cause or suffer anything to be brought thereinto or do anything whereby the water may be fouled or corrupted.

Control over abandoned lands, untrimmed hedges, etc.

Untenanted buildings or ands.

228. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or in the opinion of the chairman becomes a nuisance, the chairman may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Removal of filth or noxious vegetation.

229. The chairman may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

230. The chairman may by notice require the owner or occupier of any building or land near the public street to—

Fencing of buildings or lands and pruning of hedges and trees.

(*a*) fence the same to the satisfaction of the chairman ; or

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the chairman may determine ; or

(*c*) cut and trim any hedges or trees overhanging the said street and obstructing it or the view of traffic or causing it damage ; or

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of the traffic so as to cause danger.

Control over insanitary buildings.

231. The chairman if it appears to him necessary for sanitary purposes so to do, may by notice require the owner or occupier of any building to limewash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the notice.

Limewashing and cleansing of buildings.

232. (1) Whenever the chairman considers—

Further powers with reference to insanitary buildings.

(*a*) that any building or portion thereof is, by reason of its having no plinth, or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the

owners or occupiers of such buildings or portions of buildings or at his option, the owners of the land occupied by such buildings, or portions of buildings to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so for demolished as to require reconstruction, in which cases the municipal council shall make compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

233. (1) If any building or portion thereof intended for or used as a dwelling-place appears to the chairman to be unfit for human habitation, he may apply to the council to prohibit the further use of such structure for such purpose; and the council may, after giving the owner and occupiers of the structure a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory order has been made, the chairman shall communicate the purport thereof to the owner and occupiers of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier of such structure shall use or suffer it to be used for human habitation until the chairman certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the council withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the chairman shall report the case to the council, which shall thereupon consider whether the structure should not be demolished. The council shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the council is of opinion that the structure has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance of the structure is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, it shall record a decision to that effect, with the grounds of the decision, and the chairman shall in pursuance of the said decision by notice require the owner to demolish the structure.

(5) If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation and the chairman considers that it can be so made fit, the chairman may postpone the execution of the decision of the council for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works,

Abatement of overcrowding in dwelling house or dwelling-place.

234. (1) If it appears to the chairman that any dwelling-house or other building which is used as a dwelling-place, or any room in such dwelling house or building, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a magistrate, to abate such overcrowding; and the magistrate after such inquiry as he thinks fit to make, may, by written order, require the owner of the building, or room, within a reasonable time not exceeding four weeks to be specified in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The council may, by written order, declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (1).

Control over certain animals.

Prohibition against feeding certain animals on filth.

235. No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

Prohibition against keeping animal so as to be a nuisance or dangerous.

236. No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

237. (1) The council may and, if so directed by the district magistrate, shall give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

Power to destroy stray pigs and dogs.

(2) When such notice has been given any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog (as the case may be) found straying within such limits.

General.

238. (1) When the chairman takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter, the chairman may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred

Power of chairman to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier.

(2) If after reasonable inquiry it appears to the chairman that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by the sale of such property (not being land) or of any portion thereof.

239. No person shall be entitled save as provided in sections 219, 220 and 232 to compensation for any damages sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this chapter.

Limitation of compensation.

CHAPTER XII.—LICENCES AND FEES.

General provision as to licences.

240. Nothing in this chapter shall be construed as requiring Our Government to take out a licence in respect of any place in the occupation or under the control of or any property belonging to Our Government,

Exemption of Government from taking out licence.

Keeping of animals.

Licences for places in which animals are kept

241. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year, or in the case of a place to be newly opened, within one month before the opening of such place, apply to the chairman for a licence for the use of the same for any such purpose of profit.

(2) The chairman may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(3) No person shall without or otherwise than in conformity with a licence use any place for such a purpose.

General powers of control over stables, cattle-sheds and cow-houses.

242. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the chairman as regards their site, construction, materials and dimensions.

(2) The chairman may by notice require that any stable, cattle-shed or cow-house be altered, paved, drained, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house.

243 If any stable, cattle-shed or cows house is not constructed or maintained in the manner required by or under this Regulation, the chairman may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Industries and Factories.

244. (1) The council may publish a notification in the Government gazette and by beat of drum that no place within municipal limits or at a distance within three miles of such limits shall be used for any one or more of the purposes specified in Schedule III without the chairman's licence and except in accordance with the conditions specified therein:

Purposes for which places may not be used without licence.

Provided that no such notification shall take effect

(*a*) until sixty days from the date of publication, and

(*b*) except with the previous sanction of Our Government in any area outside the municipal limits.

(2) The owner or occupier of every such place shall within thirty days of the publication of such notification apply to the chairman for a licence for the use of such place for such purpose.

(3) The chairman may by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year unless for special reasons the chairman considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein.

(5) Applications for renewal of such licences shall be made not less than thirty days before the end of every year and applications for licences for places to be newly opened shall be made not less than thirty days before they are opened.

245. (1) Every person intending—

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

(*a*) to construct or establish any factory, work-shop or work-place in which it is proposed to employ steam-power, water-power or other mechanical power or electrical power, or

(*b*) to install in any premises any machinery or manufactoring plant driven by steam, water or other power as aforesaid,

shall, before beginning such construction, establishment or installation, make an application in writing to the municipal council for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) a plan of the factory, workshop, work-place or premises prepared in such manner as may be prescribed by rules made in this behalf by Our Government, and

(ii) such particulars as to the power, machinery, plant or premises as the municipl council may require by by-laws made in this behalf.

(3) The municipal council shall, as soon as may be after the receipt of the application,

(*a*) grant the permission applied for either absolutely or subject to such conditions as it thinks fit to impose, or

(*b*) refuse permission, if it is of opinion that such construction, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(4) Before granting permission under sub-section (3), the municipal council—

(*a*) shall obtain the approval of the inspector of factories appointed under the Travancore Factories Regulation having jurisdiction in the area of the municipality, or if there is more than one such inspector, of the inspector designated by Our Government in this behalf by general or special

order, as regards the plan of the factory, workshop, work-place or premises with reference to—

(i) the adequacy of the provision for ventilation and light,

(ii) the sufficiency of the height and dimensions of the rooms and doors,

(iii) the suitablity of the exits to be used in case of fire, and

(iv) such other matters as may be prescribed by rules made by Our Government; and

(*b*) shall consult and have due regard to the opinion of the municipal health officer where the municipal council employs such an officer and of the district medical officer in other cases, as regards the suitability of the site of the factory, workshop, work-place or premises for the purpose specified in the application.

(5) The grant of permission under this section shall not be deemed to dispense with the necessity for compliance with the provisions of Sections 192 and 194 or Sections 203 and 204, as the case may be.

Council may issue directions for abatement of nuisance caused by steam or other power.

246. (1) If, in any factory, workshop or work-place in which steam-power, water-power or other mechanical power or electrical power is used, nuisance is in the opinion of the municipal council caused by reason of particular kind of fuel employed or by reason of the noise or vibration created, the municipal council may issue such directions as it thinks fit for the abatement of the nuisance within a reasonable time to be specified for the purpose.

(2) If there has been wilful default in carrying out such directions or if abatement is found impracticable, the municipal council may

(*a*) prohibit the use of the particular kind of fuel employed, or

(b) restrict the noise or vibration by prohibiting the working of the factory, workshop or work place between the hours of 9-30 p. m and 5-30 a. m.

Power of the Government to pass orders or give directions to municipal councils.

247. Our Government may, either generally or in any particular case, make such order or give such directions as they may deem fit in respect of any action taken or omitted to be taken under section 245 section 246.

The chairman may enter any factory, workshop or work-place.

248. (1) The chairman or any person authorized by him in this behalf may enter any factory, or workshop or work place—

(a) at any time between sunrise and sunset;

(b) at any time when any industry is being carried on; and

(c) at any time by day or by night, if he has reason to believe that any offence is being committed under section 245 or section 246.

(2) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for the purpose of effecting an entrance under this section.

Slaughtering.

Provision of municipal slaughter-houses.

249. (1) The municipal council shall provide a sufficient number of places for use as municipal slaughter-houses and may charge rents and fees for their use.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(2) Municipal slaughter-houses may be situated within or, with the sanction of Our Government, without the municipality.

Licence for slaughter-houses.

250. (1) The owner of any place within municipal limits or at a distance within three miles of such limits which is used as

a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, shall in the first month of every year or, in the case of a place to be newly opened, one month before the opening of the same, apply to the chairman for a licence :

Provided that this sub-section shall not take effect in any area outside the municipal limits except with the previous sanction of Our Government.

(2) The chairman may, by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

251. The chairman may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure. **Slaughter of animals during festivals and ceremonies.**

252. No person shall slaughter within the municipality, except in a public or licensed slaughter-house, any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the chairman or dry or permit to be dried any skin in such a manner as to cause a nuisance : **Slaughter of animals for sale as food.**

Provided that the chairman may authorize any person to slaughter, without licence and without the payment of any fee, any animal for the purpose of a religious ceremony.

The milk trade.

253. (1) No person shall without or otherwise than in conformity with a licence from the chairman— **Regulation of milk trade.**

(*a*) carry on within the municipality the trade or business of a dealer in or importer or seller or hawker of milk or dairy-produce ;

(*b*) use any place in the municipality for the sale of milk or dairy-produce;

Provided that no such licence shall be given to any person who is suffering from a dangerous disease.

(2) Such licence may be refused or may be granted on such conditions as the chairman may deem necessary which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the animals from which the milk-supply is derived are kept.

Markets, butchers, fishmongers, hawkers.

Public markets.

254. All markets which are acquired constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets ; and such markets shall be opened to persons of whatever caste or creed.

Powers in respect of Public markets.

255. (1) The council may provide places for use as public markets.

(2) The council may in any public market levy any one or more of the following fees at such rates and may place the collection of such fees under the management of such persons as may appear to it proper or may farm out such fees on such terms and subject to such conditions as it may deem fit :—

(*a*) fees for the use of, or for the right to expose goods for sale in, such markets ;

(*b*) fees for the use of shops, stalls, pens or stands in such markets ;

(*c*) fees on vehicles or pack-animals carrying, or on persons bringing, goods for sale in such markets ;

(*d*) fees on animals brought for sale into, or sold in, such markets ; and

(*e*) licence fees on brokers, commission agents, weighmen and measurers practising their calling in such markets.

(3) The council may, with the sanction of Our Government, close any public market or part thereof.

256. (1) No person shall, without the permission of the chairman, or if the fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market. **Chairman's control over public markets.**

(2) The chairman may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market and may prevent such person from further carrying on by himself or his servants or agents any trade or business in such market, or occupying any shop, stall or other place therein and may determine any lease or tenure which such person may possess in any such shop, stall or place.

257. (1) No person shall open a new private market or continue to keep open a private market unless he obtains from the council, a licence to do so. **Licence for private market.**

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than six weeks before such place is opened as a market or before the commencement of the year for which the licence is sought, as the case may be.

(3) The council shall, as regards private markets already lawfully established and may, at its discretion, as regards new private markets, grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used, and rents and fees to be charged in such market as the council may think proper; or the council may refuse to grant any such licence for any new private market. The council may,

however, at any time, for breach of the conditions thereof, suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled or modified under this section, the council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and a vernacular language of the district to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) Every licence granted under this section shall expire at the end of the year.

Fee for licence.

258. When a licence granted under section 257 permits the levy of any fees of the nature specified in sub-section (2) of section 255, a fee not exceeding fifteen per centum of the gross income of the owner from the market in the preceding year shall be charged by the municipal council for such licence.

Sale in unlicensed private markets.

259. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of council in respect of private markets

260. The council may by notice require the owner, occupier, or farmer of any private market to—

(*a*) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the council may think fit;

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the council secure imperviousness and ready cleansing;

(*c*) ventilate it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the council may direct; and

(*e*) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

Suspension or refusal of licence in default.

261. (1) If any person after notice given to him in that behalf by the council fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 260 the council may suspend the licence of the said person, or may refuse to grant him a licence, until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Prohibition against nuisances in private markets.

262. No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein shall keep the same so that it is a nuisance or fail to cause anything that is a nuisance to be at once removed to a place to be notified by the council.

Power to close private markets.

263. The council or any officer duly authorized by it in that behalf may close any private market in respect of which no licence has been applied for or the licence for which has been refused, withheld or suspended or which is held or kept open contrary to the provisions of this Regulation.

Acquisition of rights of private persons to hold private markets.

264. (1) A municipal council may acquire the rights of any person to hold a private market in any place and to levy fees therein. The acquisition shall be made under the Land Acquisition Regulation and such rights shall be deemed to be land for the purposes of that Regulation.

(2) On payment by the municipal council of the compensation awarded under the said Regulation in respect of such property and any other charges incurred in acquiring it, the rights of such person to hold a private market and to levy fees therein shall vest in the municipal council.

Duty of expelling lepers, etc., from markets and power to expel disturbers.

265. The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein.

Butcher's, fishmonger's and poulterer's licence.

266. (1) No person shall without or otherwise than in conformity with a licence from the chairman carry on the trade of a butcher, fish monger or poulterer, or use any place for the sale of flesh or fish intended for human food in any place wi h in municipal limits or at a distance within three miles of such limits:

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles.

(2) The chairman may, by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

(3) Every such licence shall expire at the end of the year in which it is granted unless for special reasons the chairman considers it should expire at an earlier date, when it shall expire at such earlier date as may be specified therein.

267. The chairman may, with the sanction of the council, prohibit by public notice or licence, or regulate the sale or exposure for sale, of any animals or articles in or on any public street or part thereof. Power to prohibit or regulate sale of articles in public streets.

268. If any question arises whether any place where persons assemble for the sale or purchase of articles of food or clothing, of livestock or poultry, of cotton, groundnut or other industrial crops or of any other raw or manufactured products is a market or not the municipal council shall make a reference to Our Government and the decision of Our Government on the question shall be final. Decision of disputes as to whether places are markets.

Cart-stands.

269. (1) The municipal council may construct or provide public landing places, halting places and cartstands and may levy fees for the use of the same. Provision of public cart-stands, etc.

(2) A statement in English and a vernacular language of the district of the fees fixed by the council for the use of such place shall be put up in a conspicuous part thereof.

Explanation.—A cart-stand shall, for the purposes of this Regulation include a stand for carriages and animals.

270. Where a municipal council has provided a public landing place, halting place or cart-stand, the chairman may prohibit the use for the same purpose by any person within such distance thereof, as may be determined by the municipal council, of any public place or the sides of any public street. Prohibition of use of public place or sides of public street as cart-stand, etc.

271. If the fee leviable under sub-section (1) of section 269 is not paid on demand, it shall be recoverable in the manner laid down in section 106 as if it were an unpaid toll. Recovery of cart-stand fees, etc.

272. (1) No person shall open a new private cart-stand or continue to keep open a private cart stand unless he obtains from the council a licence to do so. Licence for private cart-stand.

(2) Application for such licence shall be made by the owner of the place in respect of which the licence is sought not less than six weeks before such place is opened as a cart-stand or before the commencement of the year for which the licence is sought, as the case may be.

(3) The council shall, as regards private cart stands already lawfully established and may, at its discretion, as regards new private cart stands, grant the licence applied for subject to such regulations as to supervision and inspection and to such conditions as to conservancy as the council may think proper; or the council may refuse to grant any such licence for any new private cartstand. The council may, however, at any time for breach of the conditions thereof suspend or cancel any licence which has been granted under this section. The council may also modify the conditions of the licence to take effect from a specified date.

(4) When a licence is granted, refused, suspended, cancelled, or modified under this section, the council shall cause a notice of such grant, refusal, suspension, cancellation or modification, in English and a vernacular language of the district to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought or had been obtained.

(5) The council may levy for every licence granted under this section a fee not exceeding three hundred rupees per annum.

(6) Every licence granted under this section shall expire at the end of the year.

Inspection of places for sale, etc.

Duty of chairman to inspect. 273. It shall be the duty of the chairman to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghee,

butter, oil and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale.

274. (1) The chairman or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of good are being manufactured or exposed for sale at any time by day or night when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article.

Powers of chairman for purposes of inspection.

(2) If the chairman or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up, or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence, he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of laws, by-laws or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against a chairman or any person acting under his authority or the council for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section.

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed

for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by chairman.

275. No person shall in any manner whatsoever prevent the chairman or person duly authorized by him exercising his powers under the last preceding section.

Power of chairman to seize diseased animal, noxious food, etc.

276. If any animal, poultry or fish intended for food appears to the chairman or to a person duly authorized by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to be of such kind or in such state as to render the article noxious, he may seize or carry away or secure such animal, article, utensil, or vessel, in order that the same may be dealt with as hereinafter provided.

Explanation.--Meat subject to the process of blowing shall be deemed to be noxious.

Removing or interfering with articles seized.

277. No person shall remove or in any way interfere with an animal or article secured under the last preceding section.

Power to destroy article seized.

278. (1) When any animal of article of food is seized under section 276 it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying any animal or article under sub-section (1) shall be paid by the owner or person in whose possession it was at the time of its seizure.

Production of articles seized before magistrate and powers of magistrate to deal with them.

279. (1) Article of food, animals, poultry, fish, utensils, vessels, etc., seized under section 276 and not destroyed under section 278 shall as soon as possible be produced before a magistrate.

(2) whether or not complaint is laid before a magistrate of any offence under the Travancore Penal Code or under this Regulation, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such ar icle is noxious or any such utensil or vessel is of such kind or in such state as is described in section 276 he may order the same

(*a*) to be forfeited to the council;

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead.

280. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Regulation as a place for burying, burning, or otherwise disposing of the dead shall, if such place be not already registered, apply to the council to have such place registered. **Registration or closing of ownerless places for disposal of the dead.**

(2) If it appears to the council that there is no owner or person having the control of such place it shall assume such control and register such place, or may, with the sanction of our Government, close it.

281. (1) No new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the council on application. **Licensing of places for disposal of dead.**

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundary

and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the council may require.

(3) The council may—

(a) grant or refuse a licence, or

(b) postpone the grant of a licence until objections to the site have been removed or any particulars called for by it have been furnished.

Provision of burial and burning grounds and crematoria within or without municipality.

282. (1) The council may, and shall if no sufficient provision exists, provide at the cost of the municipal fund places to be used as burial or burning grounds or crematoria, either within or without the limits of the municipality, and may charge rents and fees for the use thereof.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as it may think fit.

(3) If the council provides any such place without the limits of the municipality, all the provisions of this Regulation and all by-laws framed under this Regulation for the management of such places within the municipality shall apply to such place.

Register of registered, licensed and provided places and prohibition of use of other places.

283. (1) A book shall be kept at the municipal office in which the places registered, licensed, or provided under sections 280, 281 or 282 and all such places registered, licensed, or provided before the commencement of this Regulation shall be recorded, and the plans of such places shall be filed in such office.

(2) Notice that such place has been registered, licensed or provided as aforesaid shall be affixed in English and in at least one vernacular language to some conspicuous place at or near the entrance to the burial or burning ground or other place as aforesaid.

(3) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided, as aforesaid.

284. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to any person appointed by the chairman in that behalf. Report of burials and burnings.

285. (1) If the council is satisfied— Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

(a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or

(b) that any burial ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place

it may, with the previous sanction of Our Government give notice that it shall not be lawful after period to be named in such notice to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under sub-section (1) shall be published in the Government Gazette and by beat of drum.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place.

286. No person shall— Prohibitions in respect of corpses.

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise, in such manner that the surface of

the coffin or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the Ground ; or

(*b*) build or dig or cause to be built or dug any grave in any burial ground at a less distance than two feet from the margin of any other existing grave ; or

(*c*) without the sanction in writing of the chairman or an order in writing of a magistrate, re-open a grave already occupied ; or

(*d*) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place ; or

(*e*) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes ; or

(*f*) carry through any street a corpse or part thereof not decently covered; or

(*g*) while carrying a corpse or part thereof within the municipality leave the same in or near any street for any purpose whatever ; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

Grave-diggers' licence. 287. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licenced in that behalf by the chairman. Such licence

may be withdrawn or cancelled at the discretion of the council.

Chapter XIII.—Vital Statistics and the Prevention of Disease.

Vital Statistics.

288. (1) The municipal council shall register all births and deaths occurring in the municipality. Compulsory registration of vital statistics.

(2) Information of births and deaths shall be given and their registration shall be made and enforced in the prescribed manner.

Dangerous diseases.

289. 'Dangerous disease' means a disease specified in Schedule IV. Definition of 'dangerous diseases.'

290. (1) If any medical practitioner becomes cognizant of the existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the municipality, he shall inform the chairman with the least practicable delay. Obligation of medical practitioner or owner or occupier of house to report dangerous disease.

(2) The information shall be communicated in such form and with such details as the chairman may require. The chairman may pay a fee not exceeding one rupee for each intimation by a private medical practitioner of a case occurring in his practice.

(3) This section shall apply to a hakeem or a vaidyan.

(4) With the previous approval in all cases of the Dewan Peishkar the chairman may direct the compulsory notification by the owner or occupier of every house within the municipal limits during such period and to such officer as the chairman may prescribe of all deaths from or occurrence of dangerous diseases in his house.

291. The chairman or health officer may at any time by day or by night without notice, or after giving such notice as Power of entry into suspected places.

may appear to him reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

Disinfection of buildings and articles.

292. (1) If the chairman or health officer is of opinion that the cleansing or disinfecting of any premises or part or part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the occupier to cleanse or disinfect the same in the manner and within the time specified in such notice.

(2) If the chairman or health officer considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise unable effectually to comply with his requisition, the chairman or health officer may himself, without notice, cause such premises or article to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the chairman or health officer shall be recoverable from the said occupier in cases in which he is, in the opinion of the chairman or health officer, not unable by reason of property effectually to comply with such requisition.

Provision of places for disinfection and power to destory infected articles.

293. (1) The chairman shall from time to time notify places at which conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2) The chairman may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

(3) No person shall wash such clothing or bedding or other articles in any places other than those set apart for such purposes under sub-section (1).

294. No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease : Prohibition against transfer of infected articles.

Provided that nothing in this sub-section shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

295. If the health officer or the local medical officer certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period. Power of council to Prohibit use of water likely to spread infection.

296. When a hospital or other place for the reception of persons suffering from dangerous diseases is provided by the municipal council the chairman may, on a certificate signed by the local medical officer, arrange for, or direct the removal to such hospital or place of any person suffering from a dangerous disease who is, in the opinion of such officer, without proper lodging or accommodation, or without medical supervision directed to prevent the spread of the disease, or who is in a place occupied by more than one family. Chairman may order removal of patients to hospital.

297. If any person knows or has been certified by the health officer, the local medical officer, or a registered medical practitioner that he is suffering from a dangerous disease he shall not engage in any occupation, or carry on any trade or business unless he can do so without risk of spreading the disease. Prohibition against infected person carrying on occupation.

Prohibition against diseased person entering public conveyance

298. (1) No person who is suffering from any dangerous disease shall, without taking proper precautions against spreading such disease, cause or suffer himself to be conveyed in a public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner, driver, or person in charge of public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-sectiion (1).

(4) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance, anything in any Regulation relating to public conveyances for the time being in force to the contrary notwithstanding.

(5) A court convicting any person of contravening sub-section (1) or sub-section (2) may levy, in addition to the penalty for the offence provided in this Regulation an additional fine of such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount of any additional fine so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that if such additional fine is imposed in a case which is subject to appeal the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or, if an appeal is presented, before the decision of the appeal.

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

299. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from any dangerous disease without having the same and all articles therein liable to retain infection disinfected to the satisfaction of the chairman. *Letting of infected buildings.*

(2) For the purpose of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

300 In the event of the prevalence of any dangerous disease within the municipality, the council may by notice require the owner or occupier of any building, booth or tent used for purposes of public entertainment to close the same for such period as it may fix. *Power to order closure of places of public entertainment.*

301. No person being the parent or having the care or charge of a minor who is or has been suffering from a dangerous disease or has been exposed to infection therefrom shall, after a notice from the health officer or the local medical officer that the minor is not to be sent to school or college, permit such minor to attend school or college without having procured from the health officer, the local medical officer or a registered medical practitioner a certificate that in his opinion such minor may attend without undue risk of communicating such disease to others. *Minor suffering from dangerous disease not to attend school.*

No fee shall be charged by the health officer or the local medical officer for the grant of a certificate under this section.

Smallpox.

Vaccination.

302. (1) Vaccination shall be compulsory in every municipality in respect of such persons and to such extent as may be prescribed.

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed.

Obligation to give information of smallpox.

303. Where an inmate of any dwelling place is suffering from smallpox the head of the family to which the inmate belongs and in his default, the occupier or person in charge of such place, shall inform the chairman with the least practicable delay.

Prohibition of inoculation for smallpox.

304. (1) Inoculation for smallpox is hereby prohibited.

(2) No person who has undergone the operation of inoculation shall enter any municipality before the lapse of forty days from the date of inoculation without a certificate from a medical practitioner of such class as the council may authorise to grant such certificates, stating that such person is no longer likely to produce smallpox by contact or near approach.

PART V.—SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS.

Rules and schedules.

Power of Government to make rules.

305. (1) Our Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular and without prejudice to the generality of the foregoing power they make rules—

(a) with reference to all matters expressly required or allowed by this Regulation to be prescribed ;

(b) with reference to all matters not expressly provided for in this Regulation,

relating to the elections of chairmen, vice-chairmen or councillors including election petitions and deposits to be made by candidates standing for election as councillors and the conditions under which such deposits may be forfeited :

Provided that the deposit required shall not exceed one hundred rupees ;

(*c*) as to the conditions on which property may be acquired by the municipal council or on which property vested in or belonging to the municipal council may be transferred by sale, mortgage, lease, exchange or otherwise ;

(*d*) as to the working of provident funds ;

(*e*) as to the matters mentioned in rule 37 of the Taxation and Finance Rules in Schedule II, as to the conditions on which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies ;

(*f*) as to the intermediate offices, if any, through which correspondence between the municipal authorities and Our Government or officers of Our Government shall pass ;

(*g*) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the municipal council and the power of the municipal authorities or Government officers to accord professional or administrative sanction to estimates ;

(*h*) as to the accounts to be kept by the municipal council, the manner in which such accounts shall be audited and published and as to the conditions under which the rate-payers may appear before auditors, inspect books and vouchers and take exception to items entered or omitted therein;

(i) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by municipal councils ;

(j) as to the mode in which the officers of Government shall advise and assist municipal councils in carrying out the purposes of this Regulation ;

(k) as to the interpellation of the chairman by the members of the council ;

(l) as to the moving of resolutions at the meetings of the council ;

(m) for regulating the sharing between local authorities of the proceeds of the profession tax, tax on carriages and animals, tax on carts, tolls and other taxes or income, levied or obtained under this or any other Regulation ;

(n) as to the form of registers and returns of births and deaths and the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent ;

(o) as to the transfer of allotments entered in the sanctioned budget of a municipal council from one head to another ;

(p) as to the powers of auditors, inspecting and superintending officers and officers authorized to hold inquiries, to summon and examine witnesses, and to compel the production of documents and all other matters connected with audit, inspection and superintendence ; and

(q) for determining the cost of buildings and lands.

(3) In making any rule Our Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees.

Making of rules after previous publication.

306. The power to make rules under section 305 is subject to the following conditions :—

(a) A draft of the rules shall be published in Our Government Gazette.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as Our Government may appoint.

(c) All rules made under section 305 shall be published in our Government Gazette and upon such publication shall have effect as if enacted in this Regulation.

307. (1) Our Government may make rules altering, adding to, or cancelling any of the schedules to this Regulation except Schedules, V and VI.

Power of Government to amend and cancel schedules

(2) All references made in this Regulation to any of the aforesaid schedules shall be construed as referring to such schedules as for the time being amended in exercise of the powers conferred by sub-section (1).

Bye-laws.

308. The council may make bye-laws, not inconsistent with this Regulation or with any other law to provide—

Power of council to make bye-laws.

(1) for all matters expressly required or allowed by this Regulation to be provided for by by-law;

(2) for the due performance by all municipal officers and servants of the duties assigned to them;

(3) for the regulation of the time and mode of collecting the taxes, duties and tolls under this Regulation;

(4) for determining the conditions under which lands shall be deemed to be appurtenant to buildings;

(5) (a) for the use of public tanks, wells, conduits and other places or works for water-supply;

(b) for the regulation of public bathing, washing and the like;

(c) for the maintenance and protection of the water-supply system, and the

protection of the water-supply from contamination ;

(*d*) for the conditions on which house-connexions with the council's water-supply mains may be made ; for their alteration and repair and for their being kept in proper order ;

(*e*) for supply of water for domestic consumption and use ;

(*f*) for the prevention of waste of water ;

(*g*) for the measurement of water ;

(*h*) for the compulsory provision of cisterns and meters ;

(*i*) for the supply of water in case of fire ;

(6) for the maintenance and protection of the lighting system ;

(7) (*a*) for the maintenance and protection of the drainage system ;

(*b*) for the construction of house drains, and for regulating their situation, mode of construction and materials ;

(*c*) for the alteration and repair of house drains ;

(*d*) for the cleansing of house drains

(*e*) for the construction of cess-pools septic tanks, filters and drains ;

(*f*) for the payment or apportionment of money payable on account of pipes or drains common to more premises than one ;

(8) for the cleansing of latrines, earth-closets, ashpits and cess-pools, and the keeping of latrines supplied with sufficient water for flushing ;

(9) (*a*) for the testing of water pipes and drains in private premises, the recovery or the apportionment of the cost of such testing, and the braking up of ground or of buildings for the purpose of such testing ;

(*b*) for the licensing of plumbers and fitters, and for the compulsory employment of licensed plumbers and fitters ;

(10) (*a*) for the laying out of streets, and for determining the information and plans to be submitted with applications for permission to lay out streets ; and for regulating the level and width of public streets and the height of buildings abutting thereon;

(*b*) for the regulation of the use of public streets, and the closing thereof of parts thereof ;

(*c*) for the regulation of traffic in public streets, or their reservation for particular kinds of traffic ;

(*d*) for the protection of avenues, trees, grass and other appurtenances of public streets and other places ;

(11) for the regulation of the use of parks, gardens and other public or municipal places ;

(12) (*a*) for the regulation of building;

(*b*) for determining the information and plans to be submitted with applications to build ;

(*c*) for the licensing of builders and surveyors and for the compulsory employment of licensed builders and surveyors ;

(13) for the regulation of hotels, lodging houses, boarding houses, choultries, rest-houses, emigration depots, restaurants, eating houses, cafes, refreshment rooms, coffee-houses, and any premises to which the public are admitted for repose or for the consumption of any food or drink ;

(14) for regulating the mode of constructing stables, cattle-sheds and cow-houses and connecting them with municipal drains ;

(15) for the sanitary control and supervision of places used for any of the purposes

specified in Schedule III and of any trade or manufacture carried on therein ;

(16) (*a*) for the control and supervision of slaughter-houses and of places used for skinning and cutting up carcasses ;

(*b*) for the control and supervision of the methods of slaughtering ;

(*c*) for the control and supervision of butchers carrying on business in the municipality or at any slaughter-house without the municipality provided or licensed by the municipal council ;

(17) for the inspection of milch-cattle and the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds in the occupation of persons following the trade of dairy man or milk seller ;

(18) for enforcing the cleanliness of milk stores and milk shops and vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product and for enforcing the cleanliness of persons employed in the milk trade ;

(19) for requiring notice to be given whenever any milch animal is affected with any contagious disease and prescribing the precautions to be taken in order to protect milch cattle and milk against infection and contamination ;

(20) (*a*) for the inspection of public and private markets and shops and other places therein ;

(*b*) for the regulation of their use and the control of their sanitary condition ;

(*c*) for licensing and controlling brokers, commission agents, weighmen and measurers practising their calling in markets ;

(21) for prescribing the method of sale of articles whether by measure, weight, tale or piece ;

(22) for prescribing and providing standard weights, scales and measures and preventing the use of any others ;

(23) for the prevention of the sale or exporure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold ;

(24) (*a*) for the regulation of burial and burning grounds and other places for the disposal of corpses :

(*b*) for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the council ;

(*c*) for the verification of deaths and the causes of death

(*d*) for the period for which corpses must be kept for inspection ;

(*e*) for the period within which corpses must be conveyed to a burial or burning ground, and the mode of conveyance of corpses through public places ;

(25) for the registration of births, deaths and marriages ;

(26) for the training and licensing of dhais and midwives ;

(27) for the enumeration of the inhabitants of the city ;

(28) for the prevention of dangerous diseases of men or animals ;

(29) for the enforcement of compulsory vaccination ;

(30) for the prevention of outbreaks of fire ;

(31) for the prohibition and regulation of advertisements in public streets or parks ;

(32) in general for securing cleanliness, afety and order and the good government and well-being of the municipality and for carrying out all the purposes of this Regulation.

Power to give retrospective effect to certain bye-laws.

309. Bye-laws with regard to the drainage of, and supply of water to, buildings and water-closets, earth-closets, privies, ash-pits and cess-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the bye-laws or this Regulation.

Penalty for breaches of bye-laws.

310. In making a bye-law, the municipal council may provide that a breach thereof shall be punishable—

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the branch continues after receipt of notice from the chairman to discontinue such breach.

Conditions precedent to making of bye-laws.

311. The municipal council shall, before making or altering bye-laws, publish a draft of the proposed bye-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the bye-laws or alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

Confirmation of bye-laws by Our Government.

312. (1) No bye-law or cancellation or alteration of a bye-law shall have effect until the same shall have been approved and confirmed by Our Government.

(2) Any bye-law or cancellation or alteration of a bye-law when it shall have been duly confirmed shall be published in Our Government gazette and shall come into operation on such publication unless otherwise provided.

313. Our Government may cancel their confirmation of any bye-law, and thereupon the bye-law shall cease to have effect.

Cancelling of bye-laws by Government.

Publication of rules, bye-laws and Regulations.

314. Complete copies in English and in a vernacular language of the district—

Copies of Regulation, rules and bye-laws to be sold at municipal office.

(*a*) of this Regulation,

(*b*) of all rules framed by Our Government under clause (*b*) of sub-section (2) of section 305, and

(*c*) of all bye-laws in force for the time being, shall be kept at the municipal office and shall be sold to the public at cost price.

315. Regulations made by the municipal authorities under this Regulation shall be published in such manner as the council may determine.

Publication of regulations.

Chapter XV.—Penalties.

316. (1) Whoever—

General provisions regulating penailtes specified in the schedule.

(*a*) contravenes any provision of any of the sections or rules specified in the first column of schedule V, or

(*b*) contravenes any rule or order made under any of the specified sections or rules, or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections or rules,

shall on conviction be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of the sections or rules specified in the first column of Schedule VI, or

(b) contravening any rule or order made under any of the specified sections or rules, or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections or rules, continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said schedule.

Explanation.—The entries in the third column of Schedules V and VI headed 'subject' are not intended as definitions of the offences described in the sections, sub-sections, or clauses mentioned in the first and second columns or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections or clauses as the case may be.

Penalty for acting as councillor, chairman or vice-chairman when disqualified.

317. (1) Whoever acts as a member of a municipal council knowing that under this Regulation or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office shall on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

(2) Whoever acts as or exercises the functions of the chairman or vice-chairman of a municipal council knowing that under this Regulation or the rules made thereunder he is not entitled or has ceased to be entitled to hold such office or to exercise such functions shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

(3) If the chairman or vice-chairman of a municipal council fails to hand over

any documents of, or any moneys or other properties vested in, or belonging to, the municipal council which are in or have come into his possession or control, to his successor in office or other prescribed authority, in every case as soon as his term of office as chairman or vice-chairman expires and in the case of the vice-chairman also on demand by the chairman, such chairman or vice-chairman shall, on conviction, be punished with fine not exceeding one thousand rupees for every such offence.

Penalty for acquisition by municipal officer of interest in contract or work.

318. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, any personal share or interest in any contract or employment with, by, or on behalf of the municipal council, he shall be deemed to have committed an offence under section 160 of the Travancore Penal Code :

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the council, unless he is a director of such company :

Provided further that nothing in this section shall apply to a teacher employed by a municipal council who, with the sanction of Our Government, enters into a contract with the municipal council with regard to the utilization for the purpose of a school of any land or building owned by him or in which he has a share or interest.

Penalty for omission to take out licence for vehicle or animal.

319. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 91 who omits to obtain a licence shall on conviction be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been find and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 94, fails to pay such sum, and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for unlawful building.

320. If the construction or re-construction of any building or well—

(a) is commenced without the permission of the chairman, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this resolution or in any rule or bye law made hereunder or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 200 or section 210 are not duly made, or

if any person to whom a direction is given by the chairman to alter or demolish a building or well under section 210 fails to obey such direction,
the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a building to five hundred rupees and in the case of a well or hut to fifty rupees, and to a further fine which may extend in the case of a building to one hundred rupees, and in the case of a well or hut to ten rupees, for each day

during which the offence is proved to have continued after the first day.

321. (1) In the absence of a written contract to the contrary, every scavenger employed by the municipal council shall be entitled to one month's notice before discharge or to one month's wages in lieu there of, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Notice to scavengers before discharge

(2) Should any scavenger employed by the council, in the absence of a written contract authorizing him so to do and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the council, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Penalty for withdrawal of scavengers without notice.

(3) Our Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Application of sub-sections (1) and (2) to other municipal servants.

322. Every person who prevents the chairman or any person to whom the chairman has lawfully delegated his powers of entering into or on any land or building, from exercising his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under section 342 of the Travancore Penal Code.

Wrongful restraint of chairman and his delegates.

323. If any person who is required by the provisions of this Regulation or by any notice or other proceedings issued under this Regulation to furnish any information—

Penalty for not giving or giving false information.

(*a*) omits to furnish it, or

(*b*) knowingly or negligently furnishes false information,

such person shall be liable to a fine not exceeding Rs. 100

PART VI.

CHAPTER XVI—PROCEDURE AND MISCELLANEOUS.

Licences and permissions.

General provisions regarding licences and permissions.

324. (1) Every licence and permission granted under this Regulation or any rule or bye-law made under this Regulation shall specify the period, if any, for which, and the restrictions, limitations, and conditions, subject to which the same is granted, and shall be signed by the chairman.

(2) Save as otherwise expressly provided in or may be prescribed under this Regulation, for every such licence or permission, fees may be charged on such units and at such rates as may be fixed by the municipal council.

(3) The council may farm out the collection of such fees for any period not exceeding three years at a time on such conditions as it thinks fit.

(4) Every order of a municipal authority granting or refusing a licence or permission shall be published on the notice board of the municipal council.

(5) Every order of a municipal authority refusing, suspending, cancelling or modifying a licence or permission shall be in writing and shall state the grounds on which it proceeds.

(6) Subject to the special provisions in chapters X and XII regarding buildings and private markets, and subject to such sanction as may be required for the refusal of a licence or permission, any licence or permission granted under this Regulation or any rule or bye-law made under it may at any time be suspended or revoked by the

chairman if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Regulation, or of any rule, bye-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud.

(7) It shall be the duty of the chairman to inspect places in respect of which a licence or permission is required by or under this Regulation, and he may enter any such place between sunrise and sunset and also between sunset and sunrise if it is open to the public or any industry is being carried on it at the time ; and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Regulation, or otherwise than in conformity with the same, he may at any time by day or night without notice enter such place for the purpose of satisfying himself whether any provision of law, rules, bye-laws or regulations, any condition of a licence or permission or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the chairman or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting an entrance under this sub-section.

(8) When any licence or permission is suspended or revoked, or when the period for which it was granted, or within which application for renewal should be made, has expired, whichever expires later, the grantee shall for all purposes of this Regulation or any rule or bye-law made under this Regulation be deemed to be without a licence or permission until the order suspending or

revoking the licence or permission is cancelled or, subject to sub-section (12) until the licence or permission is renewed, as the case may be.

(9) Every grantee of any licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the chairman.

(10) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration required by the provisions of this Regulation, or any rule or bye-law made under this Regulation, the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council the amount of the fee chargeable for the licence or permission or registration ; and may in his discretion also recover summarily and pay over to the council such amount, if any, as he may fix as the costs of the prosecution.

(11) Such recovery of the fee under sub-section (10) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(12) The acceptance by the municipal council of the pre-payment of the fee for a licence or premisson or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration, but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed ; and save as otherwise specially provided in this regulation, if orders on an application for licence or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by

the chairman, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application, and subject to the law, rules, bye-laws, regulations and all conditions ordinarily imposed.

Appeals.

Appeals from chairman to council.

325. (1) An appeal shall lie to the council from—

(*a*) any notice issued or other action taken or proposed to be taken by the chairman—

(i) under sections 126, 134, 141, 142, 143, 145, 200 sub section (1) and sub-section (3), 211 sub-section (3), 213 sub-section (1), 214 sub-section (1), 219 sub-section (1), 221, 232, 242, 243;

(ii) under any bye-law concerning house drainage and the connexion of house drains with municipal drains or house connexions with municipal water-supply or lighting mains; or

(*b*) any refusal by the chairman to approve a building site under section 195, or

(*c*) any order of the chairman granting or refusing a licence or permission;

(*d*) any order of the chairman made under section 324, sub-section (6), suspending or revoking a licence; or

(*e*) any other order of the chairman that may be made appealable by rules under section 305.

(2) The decision of the council on any such appeal shall be final.

Limitation of time for appeal.

326. In any case in which no time is prescribed by the foregoing provisions of this Regulation for the presentation of an appeal allowed thereunder, such appeal subject to the provisions of section 5 of the Travancore Limitation Regulation must be presented—

(*a*) where the appeal is against an order granting a licence or permission, within thirty days after the date of the

publication of the order on the notice board of the municipal council, and

(b) in other cases, within thirty days after the date of the receipt of the order or proceeding against which the appeal is made.

Power to summon.

Power of persons conducting election and other enquiries.

327. All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Revenue Summonses Regulation (V of 1063) and the provisions of that Regulation shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section: and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

It shall also be competent to Our Government, by notification in our Government Gazette, to confer on such persons and officers as aforesaid, all or any of the powers contained in the code of Civil Procedure for the time being in force for securing the attendance of witnesses or the production of documents.

Summons to attend and give evidence or produce documents.

328. The chairman may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence or permission under the provisions of this Regulation.

Notices, etc.

Form of notices and permissions.

329. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Regulation must be in writing.

330. (1) Every licence, permission, notice, bill, schedule, summons or other document which is required by this Regulation or by any rule, bye-law or regulation made under it to bear the signature of the chairman or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the chairman or of such municipal officer, as the case may be, stamped thereon.

Signature on documents.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund or to any deed of contract entered into by the municipal council.

331. Save as otherwise provided, every notification under this Regulation other than one issued by Our Government, shall be published in Our Government Gazette both in English and in a vernacular language of the district.

Public ation of notific-ations.

332. Every bye-law, order, notice or other document directed to be published under this Regulation shall, unless a different method be prescribed by this Regulation, or by the council, be written in, or translated into, the vernacular of the district and deposited at the municipal office, and a copy shall be posted up in a conspicuous position at such office and such other places as the council may direct. And a public proclamation shall be made throughout the municipality by beat of drum that such copy has been so posted up and that the original is open to inspection at the municipal office.

Publication of bye-laws, notices, orders, etc

333. Whenever the municipal council shall have set apart any place for any purpose authorized by this Regulation or shall have prohibited the doing of anything in any place, the chairman shall forthwith cause to be put up a notice in English and in a vernacular language of the district at

Notice of prohibition or setting apart of places.

or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

Method of serving documents.

334. (1) When any notice or other document is required by this Regulation, or by any rule, bye-law, regulation or order made under it, to be served on, or sent to any person, the service or sending thereof may be effected—

(*a*) by giving or tendering the said document to such person ; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family ; or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the chairman by sending the same to him by post registered ; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice form or other document served or sent under this Regulation a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence from this Regulation of any distinct provision to the contrary, be calculated from the date of such service or sending.

Relation of occupier to owner.

335. If the occupier of any building or land makes on behalf of the owner thereof any payment for which, under this Regulation, the owner, but not the occupier, is liable such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner. Recovery by occupier of sum leviable from owner

336. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Regulation, the chairman may by an order require the said occupier to permit the owner, within eight days from the date of service of such order to execute all such works as may be necessary. Obstruction of owner by occupier.

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

337. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Regulation or of any rule, bye-law, regulation or order made under it, the occupier of such building or land may, with the approval of the chairman, execeut the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner. Execution of work by occupier in default of owner

Chairman's powers of entry and inspection.

338. The chairman or any person authorized by him in this behalf may enter into or on any building or land with or without assistants or workmen in order to make any inquiry, inspection, test, examination, Power of entry to inspect survey or execute the work.

survey, measurement or valuation or for the purpose of lawfully placing or removing pipes or meters, or to execute any other work which is authorized by the provisions of this Regulation or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Regulation or in pursuance of any of the said provisions, to make or execute :

Provided that—

(*a*) except when it is in this Regulation otherwise expressly provided, no such entry shall be made between sunset and sunrise ;

(*b*) except when it is in this Regulation otherwise expressly provided, no dwelling house, and no part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof unless the said occupier has received atleast six hours previous notice of the intention to make such entry.

(*c*) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable intimates of any apartment appropriated to women to remove some part of the premises where their privacy may be preserved ;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usage of the occupants of the premises.

Power of entry on lands adjacent to works.

339. (1) The chairman or any person authorized by him in this behalf may with or without assistants or workmen enter on any land adjoining or within fifty yards of any work authorized by this Regulation or by any rule, by-law, Regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof.

(2) The chairman or person authorized by him as aforesaid shall, before entering on any land under subsection (1), give the owner or occupier three days' previous notice of the intention to make such entry and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The chairman shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but as little damage as may be shall be done and the chairman shall pay compensation to the owner or occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the chairman he may appeal to the council.

340. The chairman or any person authorized by him in this behalf may examine and test the weights and measures used in markets and shops in the municipality with a view to the prevention and punishment of offences relating to such weights and measures under Chapter XIII of the Travancore Penal Code.

Inspection and stamping of weights and measures.

Power to enforce licensing provisions, orders, etc.

341 If, under this Regulation, or any rule, by-law or regulation made under it, the licence or permission of the council or chairman or registration in the municipal office is necessary for the doing of any act, and if such act is done without such licence or permission or registration, or in a manner inconsistent with the terms of any such license or permission, then—

Consequences of failure to obtain licenses, etc or of breach of the same.

(a) the chairman may by notice require the person so doing such act to alter,

remove, or, as far as practicable, restore to its orginal state the whole or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice ; and further,

(b) if no penalty has been specially provided in this Regulation for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

Time for complying with order and power to enforce in default.

342. (1) Whenever by any notice, requisition, or order under this Regulation, or under any rule, by-law or regulation made under it, any person is required to execute any work or to take any measures or do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, the measures taken, or the thing done.

(2) If such notice, requisition of order is not complied with within the time so named the chairman may cause such work to be executed or may take any measures or do anything which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid ; and further,

(3) if no penalty has been specially provided in this Regulation for failure to comply with such notice, the said person shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

Recovery of expenses from persons liable and limitation of liability of occupier.

343. (1) The chairman may, subject to the provisions of section 134 recover any reasonable expenses incurred under section 342 from the person or any one of the persons to whom the notice, requisition or order was addressed, and may, in executing work or taking measures under section 342, utilize any materials found on the property concerned or may sell them and apply the

sale proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the chairman may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner, to pay to the municipal council, instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the chairman may think proper, and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the chairman may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable ; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of any such expenses.

Relief to agent and to trustees.

344. (1) When any person by reason of his receiving the rent of immovable property as agent, trustee, guardian, manager or receiver, or of his being agent, trustee, guardian, manager or receiver for the person who would receive the rent if the property were let to a tenant would, under this Regulation, be bound to discharge any obligation imposed by this Regulation or any rule, by-law, regulation or order made under it on the proprietor of the property and for the discharge of which money is required, he shall

not be bound to discharge the obligation unless he has, or, but for his own improper act or default, might have had in his hands funds belonging to the proprietor sufficient for the purpose.

(2) The burden of proving the facts entitling a person to relief under this section shall lie on him.

(3) When any person has claimed and established his right to relief under this section, the chairman may give him notic to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the proprietor ; and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Power of chairman to agree to receive payment of expenses in instalments.

345. Instead of recovering any such expenses as aforesaid in the manner provided under section 367 the chairman may, if he thinks fit, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due, with interest thereon at the rate of nine per centum per annum, within a period of not more than five years.

Payment of compensation, etc., by and to the municipality.

Power of municipality to pay compensation

346. In any case not otherwise expressly provided for in this Regulation, chairman may, with the approval of the council, pay compensation to any person who sustains damage by the reason of the exercise by any municipal authority, officer or servant of any of the powers vested in them by this Regulation or any other law, or by any rule, by-law or regulation made under it.

Recovery of sum due as taxes.

347. All costs, damages, penalties, compensation charges, fees (other than school fees), expenses, rents (not being rents for

lands and buildings demised by the municipal council), contributions and other sums which under this Regulation or any other law or rules or by-laws made thereunder, or under any contract in respect of water supply or drainage made in accordance with this Regulation the rules or by-laws are due by any person to the council may, if there is no special provision in this Regulation for their recovery be demanded by bill as provided in the rules in Schedule II and recovered in the manner provided therein.

Limitation for recovery of dues.

348. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the municipal council under this Regulation after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

Procedure in dealing with surplus sale proceed.

349. If any property, movable or immovable, is sold under the provisions of this Regulation and if there is a surplus after the sum due to the municipal council and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the chairman, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery of any sum so credited.

Persons empowered to prosecute.

350. No person shall be tried for any offence against the provisions of this Regulation, or of any rule, or by-law made under it unless complaint is made by the police, or the chairman or by a person expressly authorized in this behalf by the council or the chairman within three months of the commission of the offence. But nothing herein shall affect the provisions of the

Code of Criminal Procedure, in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion :

Provided that failure to take out a licence obtain permission or secure registration under this Regulation shall, for the purposes of this section, be deemed a continuing offence until the expiration of the period, if any, for which the license, permission or registration is required and if no period is specified, complaint may be made at any time within twelve months from the commencement of the offence.

Imprisonment in default of payment and application of fines.

351. (1) In case any fine or costs imposed or assessed by a magistrate under this Regulation or under any rule or by-law made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions limitations and conditions imposed in sections 53 to 59 (both inclusive) of the Travancore Penal Code.

(2) Any fine, costs, tax or other sum imposed or assessed by a magistrate under this Regulation or under any rule or by-law made under it shall be recoverable by such magistrate under the Code of Criminal Procedure, as if it were a fine and the same shall on recovery be paid to the municipal council to be applied to the purposes of this Regulation.

Payment of compensation for damage to municipal property.

352. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Regulation or against any rule or by-law made under it and by reason of such act or omission damage has been caused to any property owned by or vesting in the municipal council, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event

of dispute, the amount of compensation payable by the said person shall be determined by the court before whom he was convicted of the said offence on application made to him for the purpose by the chairman not later than three months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said court as if it were a a fine inflicted by him on the person liable therefor.

Legal Proceedings.

353. (1) No suit for damages or compensation shall be instituted against the municipal council, any municipal authority, officer or servant, or any person acting under the direction of the same, in respect any act done in pursuance of execution or intended execution of this Regulation or any rule, by-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Regulation, or any rule, by-law, regulation, or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of auction, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left.

Institution of suits against municipal authorities, officers and servants.

(2) Every such suit shall by commenced within six months after the date on which the cause of action arose or in case of continuing injury or damage during such continuance or within six months after the ceasing thereof.

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is instituted, and if the plaintiff does not recover in any such action more than the

amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given, and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the chairman, a municipal officer or servant, payment of the sum, or any part of any sum, payable by him in, or in consequence of, the suit whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the council, from the municipal fund.

Provision respecting institution, etc., of civil and criminal actions and obtaining of legal advice.

354. The chairman may—

(*a*) take, or withdraw from, proceedings against any person who commits—

(i) any offence against this Regulation, the rules, by-laws or regulations ;

(ii) any offence which affects or is likely to affect any property or interest of the municipal council or the due administration of this Regulation ;

(iii) any nuisance whatsoever ;

(*b*) compound any offence against this Regulation, the rules, by-laws or regulations which may by rules made by Our Government be declared compoundable;

(*c*) with the approval of the council take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the municipal council ;

(*d*) with the approval of the council withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the chairman;

(*e*) with the approval of the council, defend any suit or other legal proceeding brought against the municipal council or against any municipal authority, officer or

servant, in respect of anything done or omitted to be done in its or his official capacity;

(*f*) with the approval of the council, compromise any claim, suit or legal proceedings brought against the council or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(*g*) with the approval of the council, institute and prosecute any suit or withdraw from or compromise any suit or claim, which has been instituted or made in the name of the municipal council or of the chairman;

(*h*) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or municipal officer or servant.

Power of election authority to defend himself if sued.

355. The election authority may defend himself if sued or joined as a party in any proceeding relating to the preparation or publication of electoral rolls or to the conduct of elections, as the case may be, and the expenses incurred by the election authority in so doing shall be payable from the municipal fund.

Indemnity to the Government, Peishkar municipal authorities, officers and agents.

356. No suit shall be maintainable against Our Government, the Peishkar or any municipal chairman, officer or servant or any person acting under the direction of any municipal chairman, officer or servant, or of a magistrate, in respect of anything in good faith done under this Regulation or any rule, by-law, regulation or order made under it.

Liability of chairman and members for loss, waste, or misapplication.

357. (1) The chairman and every councillor shall be liable for the loss, waste, or misapplication of any money or other property owned by or vested in the municipal council, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the council with the previous sanction of Our Government.

(2) Every such suit shall be commenced within three years after the date on which the cause of action arose.

Sanction for prosecution of chairman or councillor.

358. When the chairman or any councillor is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence except with the previous sanction of Our Government.

Assessments, etc., not to be impeached.

359. (1) No assessment or demand made, and no charge imposed, under the authority of this Regulation shall be impeached or affected by reason of any clerical error or by reason of any mistake (*a*) in respect of the name, residence, place of business or occupation of any person, or (*b*) in the description of any property or thing, or (*c*) in respect of the amount assessed, demanded or charged : provided that the provisions of this Regulation have been, in substance and effect, complied with. And no proceedings under this Regulation shall, merely for defect in form, be quashed or set aside by any Court of Justice.

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Regulation or to recover damages on account of any assessment, or collection of money made under the said authority : provided that the provisions of this Regulation have been, in effect been complied with :

(3) No distraint or sale under this Regulation shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto if the provisions of this Regulation, the rules and by-laws have in substance and effect been complied with:

Provided that every person aggrieved by any irregularity may recover satisfaction for any special damage sustained by him.

Police.

360. (1) It shall be the duty of every police officer— Duties of Police officers.

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Regulation or any rule, by-law or regulation made under it,

(*b*) to assist the chairman or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the chairman or in such municipal officer or servant under this Regulation or any such rule, by-law or regulation, and

(*c*) to assist any person employed in the collection of tolls in the case of resistance to the lawful authority of such person; and for all such purposes he shall have the same power which he has in the exercise of his ordinary police duties.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Regulation shall be deemed to have committed an offence under section 45 clause (*d*) of the Travancore Police Regulation of 1095.

Power of police officer to arrest persons.

361. (1) If any police officer sees any person committing an offence against any of the provisions of this Regulation or of any rule or by-law made under it, he shall, if the name and address of such person are unknown to him, and if the said person on demand declines to give his name and address, or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

362. Our Government may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Regulation.

Miscellaneous.

Application of term 'public servant' to municipal officers, agents and sub-agents.

363. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, fee or other sum due to the municipal council and every person employed by any such contractor or agent for the collection of such tax, toll, fee or sum shall be deemed to be a public servant within the meaning of section 15 of the Travancore Penal Code.

Prohibition against obstruction of municipal authorities, servants and contractors.

364. No person shall obstruct or molest the council, the chairman, any councillor, or any person employed by the municipal council or any person with whom the chairman has entered into a contract on behalf of the council, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Regulation or of any by-law, rule, regulation or order made under it.

365. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Regulation or by any by-law, rule or order made under it.

Prohibition against removal of mark.

366. No person shall, without authority in that behalf, remove, destroy, deface, or otherwise obliterate, any notice exhibited by, or under the orders of the council or the chairman.

Prohibition aganist removal or oblit ration of notice.

367. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment from, in or on any land vested in the municipal council, or river, estuary, canal, backwater or water-course (not being private property) or in any way obstruct the same.

Prohibition against unauthorized dealings with public place or materials.

Government's power of delegation.

368. Our Government may by notification authorize any person to exercise any one or more of the powers vested in them by this Regulation except the powers mentioned in Chapters II and III, the power to determine the amount of contribution under section 149, the power to make rules under sub-section (2) of section 69 and sections 305 and 307 and the power to sanction prosecutions under section 358 and may in like manner withdraw such authority.

Delegation of powers by the Government.

Transitional and transitory provisions.

369. All property, all rights of what ever kinds used, enjoyed, or possessed by, and all interests of whatever kind owned by or vested in or held in trust by, or for, a municipal council, as constituted under the Travancore Municipal Regulation (v of 1095), as well as all liabilities legally subsisting against the said council shall pass to the council as constituted under this Regulation.

Passing of property and rights to municipality as reconstituted.

Making rules etc., before the commencement of the Regulation.

370. The power to make or, approve rules, by-laws and regulations may be exercised at any time after the passing of this Regulation and any election or appointment of chairman, or councillors under this Regulation, or under the rules made under this Regulation, may be held or made at any time after such passing, but no such election or appointment shall take effect until the commencement of the Regulation.

Continuance in office of present chairman and councillors.

371. In their application to the term of office and the election and appointment of councillors and the chairman elected or appointed for the first time after the commencement of this Regulation, the provisions of this Regulation shall be read subject to the following modifications:—

(*a*) The term of office of the President and of the councillors holding office under the Travancore Municipal Regulation, V of 1095, shall expire on such date or dates after the commencement of this Regulation as Our Government shall determine; and Our Government shall make appointments and cause arrangements for election to be made under this Regulation so that the newly elected and appointed councillors may come into office on the date fixed for the retirement of the former councillors and the chairman elected or appointed under this Regulation on the date fixed for the retirement of the chairman elected or appointed or ex-officio under the Travancore Municipal Regulation, V of 1095, and until they so come into office the President and the councillors appointed or elected or ex-officio under the Travancore Municipal Regulation, V of 1095 shall have all the powers and be subject to all the duties respectively of the chairman and councillors under this Regulation; and

(*b*) on or as soon as may be after the constitution of the council under this Regulation, a meeting shall be held on a day and at a time fixed by the Peishkar

and if not held on that day, shall be held on some subsequent day fixed by the Peishkar for the election of a chairman by those councils on whom this privilege has been conferred by Our Government.

Procedure for recovery of arrears of taxes, etc.

372. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a municipal council at the time this Regulation comes into force may be recovered as though they had accrued under this Regulation.

Adjudication of disputes between local authorities.

373. (1) When a dispute exists between a council and one or more than one other local authority in regard to any matters arising under the provisions of this or any other Regulation Our Government are of opinion that the local authorities concerned are unable to settle it amicably among themselves, Our Government may take cognizance of the dispute; and

(*a*) decide it themselves, or

(*b*) refer it for enquiry and report to an arbitrator or a board of arbitrators, or to a joint committee constituted under section 25 for the purpose.

(2) The report referred to in clause (*b*) of sub-section (1) shall be submitted to Our Government who shall decide the dispute in such manner as they deem fit.

(3) The decision of Our Government under clause (*a*) of sub-section (1) or under sub-section (2) as the case may be, shall be final and binding on each of the disputing local authorities.

SCHEDULE I.

Rules Regarding Proceedings of the Council.

(See section 24.)

Mode of Transacting Business.

1. The municipal council shall provide an office and the council shall meet therein

for the transaction of business at least once in every month, upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the chairman :

Provided that no meeting shall be held on a public holiday.

Explanation.—The expression 'public holiday' includes Sundays and any other day declared by Our Government, by notification in the *Government Gazette*, to be a public holiday.

2. (1) No meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days before the day of the meeting.

(2) In cases of urgency the chairman may convene a meeting on giving shorter notice than that specified in sub rule (1).

3. (1) The chairman shall, on the requisition in writing of not less than one-third of the members then on the council, convene a meeting of the council, provided that the requisition specifies the day (not being a public holiday as defined in the Explanation to rule 1) when and the purpose for which the meeting is to be held. The requisition shall be delivered at the municipal office during office hours to the chairman, secretary, manager or any other person who may then be in charge of the office at least ten clear days before the day of the meeting.

(2) If the chairman fails within forty-eight hours from the delivery of such requisition to call a meeting on the day specified therein, or within three days thereafter, the meeting may be called by the members who signed the requisition on giving the notice provided for in sub-rule (1) of rule 2 to the other members of the council.

4. All meetings of the council shall be open to the public provided that the presiding member may and at the request of the council shall in any particular case, for reasons to be recorded in the minute book kept under rule 9, direct that the public generally, or any particular person, shall withdraw.

5. All questions which may come before the council at any meeting shall be decided by a majority of the members present and voting at the meeting and, in every case of equality of votes, the presiding member shall have and exercise a second or casting vote.

6. No business shall be transacted at a meeting unless there be present at least six members or, if the number of members then on the council exceeds sixteen, at least one-third of that number.

7. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

8. No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by not less than one-half of the sanctioned number of members.

9. Minutes of the proceedings at each meeting of the council shall be drawn up and entered in a book to be kept for that purpose, and shall be signed by the presiding member or in his absence by some one of the members present thereat; and the said minutes shall, at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Regulation in the municipality.

10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting shall be forwarded by the chairman to the Chief Secretary to Government, for publication at the cost of the municipal fund, in the Government Gazette, in English and in Vernacular: provided that the chairman shall immediately forward to the Chief Secretary any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any councillor.

11. The chairman shall have the custody of the proceedings and records of the council and may grant copies of any such proceedings and records on payment of such fees as the council may, by general or special order, determine. Copies shall be certified by the chairman, and copies so certified may be used to prove the records of the council.

12. The proceedings of every committee appointed by the council shall be recorded in writing and submitted to the council.

SCHEDULE II.

TAXATION AND FINANCE RULES.

PART I – TAXATION RULES.

(See Section 118.)

Definition of tax.

1. In these rules 'tax' includes payment due by way of composition for a tax.

Provisions common to taxes in general.

2. (1) The chairman shall prepare and keep assessment books in such form as may be prescribed showing the persons and property liable to taxation under this Regulation.

(2) The assessment books and where detailed particulars relating to any assessment are kept in separate records, the portion thereof containing such particulars shall be open at all reasonable times and without charge to inspection by any person who pays any tax to the municipality or his authorized agent and such person or agent shall be entitled to take extracts, free of charge, from the said books and records.

(3) The account books of the council shall be open without charge to inspection by any person who pays any tax to the municipality or his authorized agent on a day or days in each month to be fixed by the council.

3. The chairman shall, save as otherwise provided in this Regulation, determine the tax to which each property or person is liable:

Provided that in the case of taxes payable by the chairman the original assessment shall be made by the Dewan Peishkar or if the Dewan Peishkar is also the chairman, by the council.

4 (1) If at any time it appears to the council that any person or property has been inadequately assessed or inadvertently or improperly omitted from the assessment books relating to any tax, or that there is any clerical or arithmetical error in the said books, it may direct the chairman to amend the said books in such manner as it deems just or necessary:

Provided that no such direction shall be given where it involves an increase in the assessment, unless the person concerned shall have been afforded a reasonable opportunity to show cause to the council why the assessment books should not be amended as proposed.

(2) Such amendment shall be deemed to have taken effect on the earliest date,

either in the current half-year or in the two half years immediately preceding it, on which the circumstances justifying the amendment existed.

5. (1) The chairman shall give to every person making payment of a tax a receipt therefor signed by him or by some person duly authorized by him in that behalf.

(2) Such receipt shall specify—

(*a*) the date of the grant thereof;

(*b*) the name of the person to whom it is granted;

(*c*) the tax in respect of which payment has been made;

(*d*) the period for which payment has been made; and

(*e*) the amount paid.

Assessment of the property tax.

6. The value of any land or building for purposes of the property tax shall be determined by the chairman:

Provided that the value of any land or building the tax for which is payable by the chairman shall be determined by the Peishkar or, if the Peishkar is also the chairman, by the council.

7. The chairman shall enter the annual or capital value of all lands and buildings determined by him and the tax payable thereon in assessment books to be kept for the purpose at the municipal office. Such books shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item:—

(*a*) the name of the owner;

(*b*) the name of the occupier;

(*c*) the designation, if any, of the item;

(*d*) the name of the ward and street, if any, in which it is situated, and any survey or other number which it bears;

(*e*) the annual or capital value, as the case may be; and

(*f*) the amount of the tax payable.

8. (1) The assessment books shall be completely revised by the chairman once in every five years.

(2) The chairman may amend the assessment books at any time between one general revision and another by inserting therein or removing therefrom any property or by altering the valuation of any property or the amount of tax. Such amendment shall be deemed to have taken effect on the first day of the half-year in which it is made ;

Provided that when the amendment is made in any half year after the demand notice for that half-year has been issued, it shall have effect only from the succeeding half-year.

9. When assessment books have been prepared for the first time and whenever a general revision of such books has been completed, the chairman shall give public notice stating that revision petitions will be considered if they reach the municipal office within a period of sixty days from the date of such notice in the case of the Government, or a company, and of thirty days from the said date in other cases. The notice shall be affixed to the notice board of the municipal office and on the same day be published in the municipality by beat of drum.

10. In every case in which, between one general revision and another, the chairman assesses any property for the first time or increases the assessment on any property otherwise, than in consequence of a general enhancement of the rate at which the property tax is leviable, the chairman shall intimate by a special notice to the owner or occupier of such property that a petition for revising the assessment will be considered if it reaches the municipal office within sixty days from the date of service

of such notice in the case of the Government or a company, and within thirty days from the said date in other cases.

11. Any person may, at any time, not being less than thirty-days before the end of a half-year, move the chairman by revision petition to reduce the tax to which he is liable for the forthcoming half-year on the ground that the annual or capital value of the property in respect of which the tax is imposed has decrease since the assessment of the property was last made or revised.

12. No petition under rule 9, 10 or 11 shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorized agent and to represent his case.

13. Immediately after the disposal of a revision petition the chairman shall inform the petitioner or his authorized agent, either orally or in writing, of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days after the date of receipt of such intimation or, if the amount is not due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected.

14. (1) On the establishment of a municipality assessments shall have effect from the date specified in the notification under section 72.

(2) A general revision shall be deemed to have taken effect on the first day of the half-year following that in which the notice under rule 9 is published.

(3) Any corrections in the assessment books made by the chairman under rule 13 or 27 shall be deemed to have effect on the first day of the half-year to which the assessment which was sought to be revised or which was appealed against relates.

Explanation.—The levy of a new class of property tax or an enhancement in the rate at which any class of property tax is leviable is no amendment or revision within the meaning of this rule, and shall have effect from the date fixed for the levy or enhancement.

15. The first payment of tax shall, save as provided in rule 13, be made within thirty days of the date or day specified in rule 14.

Assessment of the profession-tax.

16. (1) The classes into which companies and persons shall, for the purposes of assessment to the profession-tax, be divided, and the maximum half-year tax leviable on each class shall be as follows :—

Class.			Half-yearly income			Maximum half-yearly tax.	
			Rs.		Rs.	Rs.	chs.
I	More than	...	21,000	...	...	275	0
II	,,	...	18,000	but not more than	21,000	225	0
III	,,	...	12,000	,,	18,000	150	0
IV	,,	...	9,000	,,	12,000	85	0
V	,,	...	6,000	,,	9,000	55	0
VI	,,	...	4,200	,,	6,000	28	0
VII	,,	...	3,000	,,	4,200	20	0
VIII	,,	...	1,800	,,	3,000	10	0
IX	,,	...	1,200	,,	1,800	6	0
X	,,	...	600	,,	1,200	3	0
XI	,,	...	300	,,	600	1	14
XII	,,	...	150	,,	300	0	14

(2) The council shall determine the tax leviable on each class subject to the maximum specified in sub-rule (1) :

Provided that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) The council may exempt any one or more of the classes in sub-rule (1) from liability to profession-tax, but no class shall be exempted from liability when any lower class is liable to tax.

17. A Company or person shall be deemed to have transacted business and a

person shall be deemed to have exercised a profession, art, or calling or held an appointment within a municipality if such company or person has an office or place of employment within such municipality.

19. (1) Where a company or person transacts business in any half-year exclusively in the area of a single municipality, the income of such company or person from the transaction of such business shall, for the purpose of levying profession-tax under this Regulation during the half-year, be deemed to be—

(*a*) where income-tax is assessed on such company or person under the Travancore Income tax Regulation for the year, comprising the half-year, one half of the amount at which the profits and gains of such business are computed under section 8 of the Travancore Income-tax Regulation for the purpose of assessing the income-tax ; and

(*b*) where the amount of the said profits and gains is not ascertainable or where such company or person is not assessed to income-tax, such percentage as Our Government may prescribe, of the turnover of the business transacted in the area of the municipality during the half-year or where this is also unascertainable during the corresponding half-year of the previous year.

(2) Where a company or person transacts business partly in the area of a municipality and partly outside such area, the income of such company or person from the transaction of business in the area of the municipality shall, for the purpose of levying profession tax under this Regulation, be deemed to be the percentage prescribed under clause (*b*) of sub-rule (1) of the turnover of the business transacted in such area during the half-year or the corresponding half-year of the previous year, as the case may be.

(3) For the purposes of clause (*b*) of sub-rule (1) and sub-rule (2), the turnover of business in any municipality means the aggregate money value of the goods produced, manufactured, purchased or sold or of any other business transacted in such municipality.

Explanation.—In determining the turnover of business under this sub-rule—

(*a*) where the delivery of any goods on account of any purchase made by any company or person and the delivery on account of the sale thereof by the same company or person are both effected in Travancore, only the latter transaction shall be taken into account;

(*b*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place outside Travancore and the delivery on account of the sale thereof by the same company or person is effected in any place in Travancore the latter transaction shall be taken into account; and

(*c*) where the delivery of any goods on account of any purchase made by any company or person is effected in any place in Travancore and the delivery on account of the sale thereof by the same company or person is effected in any place outside Travancore the former transaction shall be taken into account.

19. (1) If, in the opinion of the chairman, profession-tax is due from any company or person for any half-year, he shall serve a notice on such company or person either in that half-year or in the succeeding half-year requiring the company or person to furnish within such period, not being less than thirty days as may be specified in the notice, a return in the prescribed form showing the income on the basis of which, according to such company or person, it or he is liable to be assessed to profession-tax

for the half-year in question. Thereupon it shall be open to such company or person to submit a return showing the income derived by it or him during the half-year for which profession-tax is claimed or for the corresponding half-year of the previous year and produce any evidence on which the company or person may rely in support of the return made.

(2) If a return is made as required under sub-rule (1) and the chairman is satisfied that it is correct and complete he shall levy the profession-tax from such company or person on the basis of such return.

Explanation.—In cases not falling under clause (*b*) of sub-rule (1) or under sub-rule (2) of rule 18, if the company or person produces the notice of demand of income-tax served on it or him under section 20 of the Travancore Income-tax Regulation, for the year comprising the half-year in question, the chairman shall be bound to take one-half of the income mentioned in such notice of demand as the income derived from the sources on which profession-tax is leviable under this Regulation as the income on the said sources for the purposes of evying profession-tax.

(3) If no return is made as required under sub-rule (1) or if the chairman is satisfied that any return so made is incorrect or incomplete, the chairman shall assign to the company or person the class in the scale appropriate to the half-yearly income of such company or person as estimated by him.

(4) The chairman may, when classifying any company or person under sub-rule (3), do so on general considerations with reference to the nature and reputed value of the business transacted, the size and rental of residential and business premises, the quantity and number of articles dealt with

the number of persons employed and the income-tax paid to Government.

(5) The chairman shall not be entitled to call for the accounts of any company or person.

Maximum rates of tax on carriages and animals.

(See Section 91.)

20. (*a*) The tax on carriages and animals shall be levied at half-yearly rates not exceeding those shown in the following table :—

	Half-yearly instalment	
	Rs.	ch.
For every motor or steam vehicle with metal tyres constructed to carry 2 tons or more ...	100	0
Additional charge for each trailer ...	50	0
For every motor or steam vehicle with cushion or solid rubber tyres constructed to carry 2 tons or more ...	75	0
For every motor or steam vehicle constructed to carry 1 ton or more but less than 2 tons ...	60	0
For every motor or steam vehicle constructed to carry less than 1 ton ...	50	0
Additional charge for each trailer with cushion or solid rubber tyres ...	30	0
Additional charge for each trailer with pneumatic tyres ...	25	0
For every motor or steam vehicle constructed to carry 1 ton or less than 2 tons ...	50	0
For every motor bus or charabanc constructed to carry 15 or more persons ...	75	0

	Half-yearly instalment	
	Rs.	ch.
For every motor bus or chara-banc constructed to carry less than 15 persons but more than 7 persons ...	50	0
For every four-wheeled motor vehicle constructed to carry not more than 7 persons but more than 3 persons and plying for hire ...	25	0
For every four-wheeled motor vehicle constructed to carry not more than 7 persons but more than 3 persons and not plying for hire ...	20	0
For every four-wheeled motor vehicle constructed to carry 3 or less persons ...	15	0
For every motor tricycle and every motor bicycle with or without side-car ...	10	0
For every four-wheeled vehicle constructed to be drawn by one or more animals ...	5	0
For every two-wheeled vehicle constructed to be drawn by one or more animals ...	2	0
For every other bicycle or tricycle ...	2	0
For every other carriage not being a child's perambulator or go-cart ...	2	0
For every elephant	6	0
For every motor boat or steam launch plying for hire and carrying more than 6 passengers ...	50	0
For every other motor boat or steam launch ...	15	0
For every cabin boat ...	2	14
For every horse, mule or pony ...	2	0
For every bull, bullock male buffalo, ass or dog ...	1	0

(*b*) If, within the half-year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in clause (*a*), he shall not be liable to more than one payment of tax and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriage or animal during the half year.

21. (*a*) Tolls shall be levied at the rates shown in the following tables :—

	Rs.	ch.	c.
On every motor or steam vehicle constructed to carry one ton or more ...	2	0	0
On every trailor attached thereto ...	1	0	0
On every motor bus constructed to carry 15 or more passengers ...	2	0	0
On every motor vehicle constructed to carry more than 7 but less than 15 passengers ...	1	0	0
On every other four-wheeled motor vehicle ...	0	14	0
On every motor tricycle and every motor bicycle with or without side-car ...	0	7	0
On every motor boat or steam launch plying for hire or carrying more than 6 passengers ...	2	0	0
On every other steam boat or steam launch ...	0	14	0
On every cabin boat ...	0	7	0
On every bicycle or tricycle ...	0	3	8
On every other carriage or boat ...	0	3	0
On every horse, buffalo, bull, bullock or ass ...	0	2	0
On every vallam ...	0	2	0
On every elephant ...	0	14	0
On every camel ...	0	7	0

(*b*) Payment of a toll in respect of any vehicle covers the animal engaged in drawing it.

22. Not more than a single payment of toll may be demanded in respect of any

vehicle or animal during any one period of twenty-four hours counted from mid night to midnight ; and on such payment being made a receipt, in such form as the council may prescribe, shall be granted by the toll keeper.

Appeals.

23. An appeal shall lie to the council in respect of the assessment and imposition of the following taxes and of no others :—

(*a*) assessments made by Dewan Peishkar under rule 3 ;

(*b*) the proceedings of the chairman under rule 19 ;

(*c*) the order of the chairman under rule 13 upon a revision petition : and

(*d*) the imposition by the chairman of any tax on any carriage, animal, or cart.

24. The council may, of its own motion, or otherwise, cancel, or modify any order passed by the chairman reducing or remitting a tax.

25. An appeal shall be made in writing and shall set forth concisely and under distinct heads the grounds of objection to the decision or other proceedings appealed against.

26. No appeal to the council shall be heard—

(*a*) unless it be presented at the municipal office—

(i) within fifteen days from the service of the notice referred to in sections 87 and 95 or

(ii) within fifteen days from the date upon which the tax becomes payable under section 78 or 98 or under rule 15 :

Provided that the council may admit an appeal within fifteen days after the time prescribed in this rule, if cause be shown to its satisfaction for not preferring it within the prescribed time ; and

(*b*) unless (except when the chairman otherwise directs the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the municipal office within the period specified in sub-clause (i) or (ii) of clause (*a*) as the case may be, or where an appeal is presented for admission under the proviso to the said clause on or before the day upon which the appeal presented.

27. The assessment books maintained under sub-rule (1) of rule (2) shall be corrected in accordance with any orders passed by the council under rule 24 or on appeal; in the event of the amount of any tax being reduced or remitted by the council, the chairman shall grant a refund accordingly.

28. The assessment or demand of any tax, when no appeal is made, as hereinbefore provided, and when such an appeal is made, the adjudication of the council thereon shall be final:

Provided that where any assessment or demand is not in accordance with the assessment books nothing in this rule shall be deemed to prohibit a fresh assessment or demand of the tax being made in accordance herewith.

29. (1) The powers of the council under rules 4, 23 and 24 shall, during any period in respect of which Our Government may, by notification, so direct, be exercised by a special officer appointed by them. And thereupon the council shall cease to exercise the said powers during the said period and rules 4 and 23 to 28 shall have effect as if for the word 'council' wherever it occurs in those rules and for the word 'chairman' in clause (*b*) of rule 26, the words 'special officer appointed by Our Government in this behalf' were substituted.

(2) A special officer appointed under su rule (1) shall have all such powers of

the council and of the chairman as are necessary for the purpose of exercising his powers under the said sub-rule and he shall be entitled to the same protection as the council or chairman, as the case may be, is entitled.

(3) The special officer shall be paid out of the municipal fund such salary and allowances as Our Government may, in consultation with the council, fix. If a Government servant is appointed special officer, the council shall also pay Our Government such contribution towards the pensions and leave allowances of such servant as may be payable under the regulations in force for the time being of the branch of Government service to which he belongs.

Collection of taxes.

(See section 118.)

30. (1) Where any tax not being a tax in respect of which a notice has to be served under section 87 or 95 or in respect of which a direction has to be given under rule 13, is due from any person, the chairman shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of rule 31.

(2) A notice under section 87 or 95 and a bill under sub-rule (1) shall be signed by the chairman and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged; and

(*b*) a notice of the liability incurred in default of payment.

(3) Where a notice, bill or direction referred to in sub-rule (1) has not been served or given either in the half-year in which the tax became due or in the succeeding

half-year, the tax for the half-year first mentioned in this sub-rule shall not be demanded :

Provided that where the assessment books have been amended under rule 4, the notice, bill or direction, as the case may be, given either in the half-year in which the amendment was made or in the succeeding half-year.

31. (1) If the amount due on account of any tax is not paid within fifteen days from the service of the notice, or bill or the giving of the direction referred to in sections 87 and 95 and rules 13 and 30, and if the person from whom the tax is due has not shown cause to the satisfaction of the chairman why it should not be paid, the chairman may recover by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee, and with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so destrained :

Provided always that movable property described in the proviso to section 52 of the Code of Civil Procedure, 1100, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's property is impracticable, the chairman may prosecute the defaulter before a Magistrate.

(3) Nothing herein contained shall preclude the council from suing in a civil court for any tax due to it under this Regulation.

(4) The warrant under sub-rule (1) shall be in the form contained in Appendix A to these rules or in some similar form ; and for each such warrant a fee of two chuckrums shall be levied.

(5) Under a special order in writing of the chairman any officer charged with execution of a warrant of distress may, between sunrise and sunset, break, open any outer or inner door or window of building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated to women, until he has given three hours' notice of his intention and has given such women an opportunity to withdraw.

32. (1) The officer charged with the execution of a warrant, shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid, no distraint shall be made, but if the tax or fee is not paid, the officer shall—

(*a*) seize such movable property of the defaulter as he may think necessary ;

(*b*) make an inventory of the property seized ; and

(*c*) give to the person in possession of the property seized at the time of the seizure a copy of the inventory and the notice of sale in the form in Appendix B to these rules or in some similar form :

Provided that a period of seven days shall be allowed for paying the amounts due and redeeming the property seized.

(2) The distress shall not be excessive. that is to say, the property distrained shall be as nearly as possible equal in value to the tax due by the defaulter, together, with all expenses incidental to the warrant, distraint, detention and sale.

33. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of the property are not paid within the period of seven days mentioned in the notice given under rule 32 and if the distraint warrant is not suspended by the chairman, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the chairman who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of tne proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the chairman may again proceed under rule 31 in respect of the sum remaining unpaid.

(2) When the property seized is subject to speedy and natural decay, the chairman may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

(3) The chairman shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the chairman decides that the property attached was not liable to distraint, he shall return it, or if it has already been sold, the proseeds of the sale to the person appearing to be entitled thereto and may again proceed under rule 31 and all fees and expenses

connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the chairman that he wilfully permitted the distraint of the property when to his knowledge it was not liable to distraint.

34. (*a*) Fees shall be levied on distraints under this Regulation with reference to the value of the property distrained and according to the rates specified in Appendix C to these rules.

(*b*) fees levied under this are not in tended to cover the cost of maintaining any livestock distrained.

35. The property of a person in default under sub-rule (1) of rule 31 may be distrained wherever it may be found within the municipality.

36. If the tax due on account of any building or land remains unpaid in whole or in part at the end of the period specified in sub-rule (1) of rule 31 the chairman may if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of such building or land to pay the amount within a specified period not being less than fifteen days if the occupier fails to comply with such requisition, the chairman may distrain and sell any movable property found on the building or land, and the provisions of the foregoing rules shall, *mutatis mutandis*, apply to all distraints and sales effected under this rule: provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule, unless he has wilfully prevented distraint or a sufficient distraint.

37. If any tax due from any person remains unpaid in whole or in part at the end of the period specified in sub-rule (1)

of rule 31 and if such person has left Travancore or cannot be found, the said tax or such part thereof as remains unpaid together with all sums payable in connexion therewith shall be recoverable as if it were an arrear of land revenue.

38. (1) Every person who is prosecuted under sub-rule (2) of rule 31 shall be liable, on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained.

(2) Whenever any person is convicted of an offence under sub-rule (1), the magistrate shall, in addition to any fine which may be imposed, recover summarily and pay over to the municipal council—

the amounts, if any, due under the heads specified in clauses (*a*) and (*b*) of sub-rule (1); and may in his discretion also recover summarily and pay to the council such amount, if any, as he may fix as the costs of the prosecution.

39. Neither the chairman nor any municipal officer or servant shall directly or indirectly purchase any property at any sale of distrained property held under the foregoing rules.

Part II—Finance Rules.

[See section 118.]

Authorised objects of expenditure.

40. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary

by laws or rules, and in general everything necessary for, or conducive to the safety, health, convenience or education of the inhabitants or to the amenities of the municipality and everything incidental to the administration; and the fund shall be applicable thereto within the municipality subject to these rules and such further rules or special orders as Our Government may prescribe or issue; and shall be applicable thereto without the municipality if the expenditure is authorized by this Regulation, or specially sanctioned by Our Government.

41. The objects of expenditure connected with the public safety include the following:—

(*a*) the lighting of public streets and the provision, purchase, exploitation and maintenance of electric, gas or other undertakings for lighting public and private streets, places and buildings;

(*b*) extinction of fires;

(*c*) control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) regulation of traffic;

(*e*) prevention and removal of obstructions in public streets or places;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity.

42. The objects of expenditure connected with the public health include the following:—

(*a*) The construction and maintenance of hospitals and dispensaries and temporary places of reception within the municipality or without the municipality for the treatment of infectious diseases occurring in the municipality; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided

by Our Government; contracting for the use of a hospital or part of a hospital, dis-dispensary or place of reception; combining with any other local authority or with Our Government to provide a common hospital, dispensary or place of reception; sending —indigent inhabitants of the municipality to institutions outside the municipality for treatment; the training of medical practitioners, medical subordinates, mid-wives, nurses, health officers, sanitary inspectors and analysts, the provision of nurses for attendance on patients suffering from infectious disease at the houses of such persons; vaccination and the training and supervision of vaccinators and the provision of lymph; the registration of births, deaths and marriages; the enumeration of the inhabitants of the municipality and other measures of a like nature;

(*b*) the construction and maintenance of lunatic asylums;

(*c*) the construction, establishment and maintenance, supervision and control of public markets and slaughter-houses; of shops, stalls, and plinths: of latrines; of sewage forms and all works for the removal or disposal of sewage; of water-works, drinking fountains, tanks, and wells; of wash-houses and dhobykhanas; of parks squares and gardens; the reclamation of un healthy localities; and other sanitary measures of a like nature;

(*d*) the cleansing and watering of streets and drains, scavenging; the removal of excessive or noxious vegetation; the abatement of all nuisances;

(*e*) the regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria; the provision of sites for and the closing of burial and burning grounds; the provision of new sites for offensive and dangerous

trades and of special locations for factories; the acquisition of congested areas and the provision of new sites, whether within or without municipal limits, to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town-extensions, whether within or without municipal limits, redistribution of sites in such extensions and all measures of a like nature; and the acquisition of land for any of the aforesaid purposes.

43. The objects of expenditure connected with the public convenience, education and amenities include—

(*a*) the construction, maintenance, diversion and improvement of streets, bridges causeways, culverts and the like and the acquisition of the land necessary for the buildings to form or improve streets; the regulation of building; the construction of model dwellings and the encouragement of co-operative building societies by loans grants of land, or prizes; the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(*b*) subject to rules 49 to 54, the establishment and maintenance of schools, the construction and maintenance of school-houses, public libraries and reading rooms, museums, art-galleries, gymnasia or any other institutions connected with the diffusion of metal or physical culture or technical instruction or the training of teachers;

(*c*) the holding of industrial exhibitions or fairs;

(*d*) the construction, maintenance and adornment of public halls and theatres; the acquisition and maintenance of recreation grounds, playing fields and promenades;

(*e*) subject to all provisions of law, the construction, maintenance and purchase or exploitation of tramways and other transport services (railways not included), of grass farms, dairies, public bakeries and other agricultural, industrial or trading concerns, of public utility either within or without the municipal limits and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns;

(*f*) the employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals ;

(*g*) the construction and maintenance of rest-houses, choultries, poor-houses, pounds and other works of public utility ;

(*h*) the provision and maintenance or holding of zoological and horticultural gardens and exhibitions ;

(*i*) the provision of standard weights, scales and measures and public weighing places ;

(*j*) the provision and maintenance of public baths and bathing places ;

(*k*) the provision of music for the people ;

(*l*) the provision and maintenance of public clocks and clock-towers or a time gun;

(*m*) the organization and maintenance of health associations ;

(*n*) the organization and maintenance of associations for the prevention of juvenile smoking and cruelty to children.

44. The objects of expenditure incidental to the administration include—

(*a*) the provision and maintenance of a principal municipal office and record-room and of other offices with the cost of appurtenances and fittings and insurance ;

(*b*) salaries, allowances, liveries, pensionary contributions and provident fund contributions, gratuities, and pensions of, and the cost of hire of vehicles for, the municipal officers and servants ; study leave allowances of professional officers and subordinates ; sending municipal servants to any hospital or institute, for treatment ; the purchase of provisions and other necessaries for sale to municipal subordinates ;

(*c*) stationery, printing and all office and advertising expenses ;

(*d*) legal expenses ;

(*e*) the expenses of holding elections ;

(*f*) the provision and maintenance of municipal workshops ;

(*g*) municipal surveys, the preparations of maps of the municipality and the preparation and maintenance of a record of rights in immovable property.

Obligatory expenditure.

45. Expenditure on the following object is obligatory subject to special directions that Our Government may issue in respect of any municipality by notification :—

(*a*) the principal municipal office and record-room;

(*b*) maintenance of public property and monuments vested in the municipality ;

(*c*) maintenance of property owned by the municipality ;

(*d*) salaries and pensionary and provident fund, contributions, gratuities, and pensions of the municipal officers and servants according to the conditions on which such persons entered the municipal service ;

(*e*) scavenging ;

(*f*) lighting the public streets ;

(*g*) burial and burning grounds where no sufficient number is provided by other agency ;

(*h*) medical relief to the extent laid down in rules 46, 47 and 48 ;

(*i*) diffusion of education to the extent laid down in rules 49 to 53;

(*j*) registration of births and deaths;

(*k*) vaccination;

(*l*) provision of slaughter-houses;

(*m*) payment of interest on and amortization of debt (if any);

(*n*) all other objects declared obligatory by law or rule.

Obligatory medical expenditure.

46. (1) The council shall provide and maintain either from endowments or from the municipal fund or by grants-in-aid therefrom, in accordance with such rules as may from time to time be prescribed by Our Government, a hospital or dispensary where the sick poor of the municipality shall be entitled to receive medical and surgical advice and treatment free of charge; and the council shall provide and maintain more than one such hospital or dispensary if Our Government direct it to do so:

Provided that Our Government shall not so direct until the council shall have had an opportunity of submitting its views on the subject to Our Government:

Provided further that the council shall not be bound to provide or maintain any such hospital or dispensary when, in the opinion of Our Government, sufficient provision has otherwise been made for the treatment, free of charge, of the sick poor of the municipality.

(2) Any inhabitant of the municipality, who is not a fit object of public charity may, subject to such regulations as the council, with the approval of Our Government, may from time to time frame, obtain medical or surgical advice and treatment from any hospital or dispensary maintained by the council from endowments or from the municipal fund; provided that any

charges incurred by the council in the medical or surgical relief or persons other than the sick poor of the municipality or those unable to pay a medical attendant shall be reimbursed by such persons.

(3) The council may also permit the treatment in the hospitals or dispensaries maintained by it from endowments or from the municipal fund of any person not resident in the municipality.

47. The council shall provide every hospital or dispensary provided or maintained by it with all necessary drugs, nstruments, apparatus, furniture and appliances on a scale approved by Our Government, and when, in the opinion of the council, provision for inpatients may be necessary, it shall also provide a suffiient number of cots, bedding, clothing, furniture and diet for such in-patients.

48. The council shall empoy a medical officer for any hospital or dispensary maintained by it from endowments or from the municipal fund.

Obligatory educational expenditure.

49. The council shall, so far as the funds at its disposal may admit, make provision for the instruction in schools of all children of school-going age resident within the limits of the municipality, for whose instruction provision shall not otherwise have been made.

50. The council may provide instruction—

(i) either by schools maintained wholly from the municipal fund, or

(ii) by means of grants-in-aid to private schools from the said fund in accordance with such rules as may from time to time be prescribed by Our Government, or

(iii) by contributing towards the cost of Government schools, or

(iv) by more than one of such means.

51. The council may, with the previous sanction of Our Government, maintain either wholly from the municipal fund, or by grants-in-aid therefrom, elementary schools to which admission may be wholly or partly free for any class of the inhabitants which, in the opinion of the council, is by reason of poverty unable to pay the fees leviable in schools maintained by the council whether wholly from the municipal fund or by grants-in-aid therefrom.

52. (1) If at any time it seems advisable to Our Government that a grant-in-aid should be made to any school maintained solely for the instruction of the children of any particular class of the inhabitants of any municipality they may direct the municipal council to make such grant to such school ; and the council shall make it accordingly; provided that Our Government shall not so direct until the council shall have had an opportunity of submitting its views on the subject to Our Government.

(2) The instruction to be provided by the council shall be of such standards as may from time to time be determined by Our Government.

53. (1) The council shall, unless otherwise provided by any law for the time being in force, or in the case of elementary schools exempted by our Government on such conditions as it may prescribe from time to time, levy in every school maintained by it, fees as may from time to time be determined by Our Government :

Provided that if the council is satisfied that the parent or guardian of any child, resident in the municipality, is by reason of poverty unable to pay for the elementary education of such child, it may remit the whole or part of the fees, but it shall not compel the parent of guardian of such child in consideration of the said relief to send such child to any particular municipal school :

Provided further that the council may, in any secondary school, in accordance with a scheme framed by it and approved by the Director of Public Instruction, remit the whole or part of the fees of poor pupils, subject to the condition that the fee income thus foregone shall not exceed 10 per cent of the total fees realizable from all pupils of the school at the rates determined by Our Government.

(2) The proceeds of all fees levied by the council as aforesaid shall be expended by the council for the provision of instruction by means of schools.

Discretionary educational expenditure.

54. The council may also provide wholly from the municipal fund, or by means of grants-in-aid therefrom—

(i) for the inspection of schools maintained by it, whether wholly from the municipal fund or by grants–in-aid therefrom ;

(ii) for the training of teachers for schools aided or maintained from the municipal fund ;

(iii) for the instruction and training of persons for the practice of medicine, or of vaccination, or of any technical or industrial calling ; and

(iv) for the maintenance of public libraries, reading rooms, gymnasia or any other institutions connected with the diffusion of education, which may be approved by Our Government.

Extraordinary expenditure.

55. A municipal council may, with the sanction of our Government,

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the municipality ;

(2) defray the cost of the preparation and presentation of addresses to persons of distinction visiting the municipality ;

(3) contribute to any charitable fund or to the funds of any institution for the

relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease ;

(4) pay a conveyance allowance to the chairman or vice-chairman ;

(5) pay the expenses of the chairman, members of the council and municipal officers and servants travelling on municipal business and ;

(6) any other extraordinary charges.

Receipts and Payments.

56. All moneys received by the council shall be lodged in the nearest Government treasury or, with the sanction of Our Government, in a bank :

Provided that the municipal council may, with the sanction of Our Government, invest any sums not required for immediate use either in a Government savings bank or in Government securities, or in any other security which may be approved by Our Government.

57. (1) All orders or cheques against the municipal fund shall be signed by the chairman or by some person duly authorized in this behalf by him. The treasury or bank in which the fund is lodged shall, so far as the funds to the credit of the council admit, pay all orders or cheques against the fund which are so signed.

(2) If the council shall have given previous authority in writing such treasury or bank may at once pay out of the municipal fund without such order or cheque any expense which Our Government have incurred on behalf of the council.

Audit, surcharge and disallowance.

58. The chairman shall submit all accounts to auditors as required by them.

59. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts ;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them ;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

60. The auditors shall—

(*a*) report to the council any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the council or in the municipal accounts ;

(*b*) furnish to the council such information as it may require concerning the progress of their audit ;

(*c*) report to the council any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly, responsible for such loss or waste ; and

(*d*) submit to the council a final statement of the audit and a duplicate copy thereof to Our Government within a period of three months from the end of the financial year, or within such other period as our Government may notify.

61. The chairman shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

62. (1) The auditors may disallow every item contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment ; and may charge against any person responsible there for the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount pue from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge and furnish by registered post a copy thereof to the person against whom it is made.

(3) If the person to whom a copy of the auditor's decision is so furnished refuses to receive it, he shall nevertheless be deemed to have been duly furnished with a copy of such decision within the meaning of sub-rule (2). The period of fourteen days fixed in rules 63 and 64 shall be calculated from the date of such refusal.

63. Any person aggrieved by disallowance, surcharge or charge made may, within fourteen days after he has received or been served with the decision of the auditor, either—

(*a*) apply to the principal civil court of original jurisdiction to set aside such disallowance, surcharge or charge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance, surcharge or charge with such orders as to costs as it may think proper in the circumstances; or

(*b*) in lieu of such application may appeal to Our Government who shall pass such orders as they think fit.

64. Every sum certified to be due from any person by auditors under this Regulation shall be paid by such person to the chairman within fourteen days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to Our Government against the decision; and such sum if not so paid, or such sum as the court or Our Government shall declare to be due, shall be recoverable on an application made by the chairman to the court in the same way as an amount decreed by the court.

65 The municipality shall pay to the auditors out of the Municipal Fund such remuneration as Our Government may determine.

APPENDIX A.

Distraint Warrant.

[See Rule 31 (4)]

Warrant No,

To

(Name of officer charged with execution of warrant.)

(State tax or taxes due and premises, if any, in respect of which the tax or taxes are due.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rs. ch. c. due for the tax or taxes noted above for the ending 19 , although the said sum has been duly demanded from the said and fifteen days have elapsed since such demand was made This is to command you to demand the said sum of Rs. ch. c. together with annas two for warrant fee, failing payment of which you are to distrain the goods and chattels of the said (or, as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs. ch. c. together with Rs. ch. c, for warrant fee and distraint fee making together a sum of Rs. ch. c. and such further sum as may be sufficient to defray the charges of keeping and selling such distraint; and if within seven days next after such distraint, the amount due on account of the said tax or taxes and fee shall not be paid, together with such further sum as may be sufficient to defray the charges of keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the municipal office the sale-proceeds of the distrained property, out of which the amount due on account of the said taxes and fees, viz., Rs. ch. c. and the charges of keeping, and selling such distraint will be deducted and credited to the municipal fund, and the surplus, if any, returned to the owner of the goods, and chattels distrained. If distraint or sufficient distraint cannot be

found of the goods and chattels of the said ,you are to certify the same to me together with this warrant.

(Signature of the chairman.)]

STATION
DATE 19 .

APPENDIX B.

Form of Inventory and Notice.

[See Rule 32 (1) (c).]

(State particulars of goods and chattels seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of Rs. ch. c. due for the tax or taxes mentioned in the margin for the ending 19 and that unless you pay into the office of the municipality of the amount due together with the warrant fee, the distraint fee and cost of keeping the goods and chattels, within seven days from the date of this notice, the goods and chattels will be sold on the day of 19 , at the municipal office or at such other place as the chairman may direct and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the warrant of distress.)

STATION
DATE 19

APPENDIX C.

Table of Fees payable on Distraints.

[See Rule 34 (1).]

Value of property.	*Amount of fee* *Rs.*	*chs.*	*c*
Under ten rupees ...	0	4	0
Ten and under twenty-five rupees ...	0	7	0
Twenty-five and under fifty rupees ...	1	0	0
Fifty and under one-hundred rupees ...	2	0	0
One hundred rupees and upwards ...	3	0	0

SCHEDULE III.

PURPOSES FOR WHICH PREMISES MAY NOT BE USED WITHOUT A LICENCE UNDER SECTION 244.

(See Section 244.)

(*a*) Washing soiled cloths and keeping soiled clothes for the purpose of washing them, and washed clothes ;

(*b*) boiling paddy, or camphor ;

(*c*) melting tallow or sulphur ;

(*d*) storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins ;

(*e*) washing or drying wool or hair ;

(*f*) making fish-oil ;

(*g*) making soap, dyeing, boiling or pressing oil, burning bricks, tiles, pottery or lime ;

(*h*) manufacturing or distilling sago; manufacturing artificial manure ; manufacturing beedies ;

(*i*) manufacturing gunpowder or fire-works ;

(*j*) keeping a public halting-place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee house, boarding house or lodging house (other than a students' hostel under public or recognized control) ;

(*k*) keeping together twenty or more sheep or goats or ten or more pigs or head of cattle ;

(*l*) preparing flour or articles made of flour for human consumption or sweetmeats;

(*m*) manufacturing ice or aerated waters ;

(*n*) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre, coal or charcoal ;

(*o*) selling grain, groundnut or jaggery wholesale or storing any of the said articles for the wholesale trade ;

(*p*) manufacturing jaggery or sugar-candy ;

(*q*) storing any explosive or combsutible material ;

(*r*) manufacturing anything from which offensive or unwholesome smells arise ;

(*s*) using for any industrial purpose any fuel or machinery ; and

(*t*) in general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property :

Provided that no license shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, or coal or for boiling paddy when such storage or boiling is for private use.

SCHEDULE IV.

List of Dangerous Diseases.

(See section 289.)

Acute influenzal pneumonia.
Anthrax.
Chicken-pox
Cholera.
Diphtheria.
Enteric fever.
Glanders.
Leprosy.
Plague.
Small-pox
Tuberculosis.
Typhoid fever.
Influenza.
Relapsing fever.
Rabies.

SCHEDULE V.

Ordinary Penalties.

(See section 316.)

Section or rule.	Sub-section or rule.	Subject.	Fine which may be imposed.
1	2	3	4
28	(1)	Interested councillor voting or taking part in discussion.	Fifty rupees.
80	..	Failure to give notice of transfer of title or to produce documents.	Do.
81	(1)	Failure to send notice to chairman after completion of construction or reconstruction of building.	Do.
83	(1)	Failure of owner or occupier to furnish return of rent, etc.	One hundred rupees.
89	..	Failure of owner or occupier to obey requisition to furnish list of persons carrying on profession, art, etc.	Do.
90	..	Failure of employer or head of an office, firm or company to obey requisition to furnish list of persons in his employ.	Do.
95	(2)	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statements.	Ten rupees.
97	..	Failure to obey order to affix and register number of carriage.	Do.
98	(2)	Failure of owner to register cart or other vehicle.	Do.
..	(3)	Failure to have or keep registration number affixed to cart.	Do.
107	..	Attempt to evade payment of toll.	Fifty rupees.
122	..	Trespassing on premises connected with the water-supply.	Do.
125	..	Failure to maintain house connexions in conformity with by-laws and regulations.	Do.
126	(2)	Failure to obey requisition to make house connexion.	Do.
133	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Do.
134	(2)&(3)	Failure to obey requisition as to house drainage.	Do.
135	(1) (*b*)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain.	Do.
137	..	Unlawful construction of building over public drain.	One hundred rupees.
138		Failure to obey requisition regarding culverts, etc., or to keep them free from obstruction.	Fifty rupees.
139	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.

ORDINARY PENALTIES—(*contd.*)

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3	4
141	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Fifty rupees.
142	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
143	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand or to keep them clean and in proper order.	Do.
144	..	Failure to construct latrines so as to screen persons using them from view.	Twenty rupees.
146	..	Making connexion with mains without permission	Two hundred rupees.
150	..	Improper disposal of carcasses, rubbish and filth.	Ten rupees.
151	..	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours, etc.,	Twenty rupees.
152	..	Allowing filth to flow in streets.	Ten rupees.
153	..	Using cart without cover in removal of filth, etc.,	Twenty rupees.
154	..	Throwing rubbish or filth into drains.	Do.
160	..	Building within regular lines of street.	One thousand rupees.
161	(1)	Failure to obey orders to set back buildings.	five hundred rupees.
163	..	Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.	Fifty rupees.
168	(1)	Using a motor vehicle for hire or a motor lorry without licence or contrary to licence.	Two hundred rupees.
169	..	Failure to provide roads, etc., on buildig-sites prior to disposal	Do.
170	(5)	Unlawful making or laying of new private street.	Five hundred rupees.
172	..	Failure to obey requisition to metal, etc., private street.	One hundred rupees.
174	..	Building wall or erecting fence, etc., in a public street	Do.
175	..	Obstructing a person in the use of a street referred to in section 180—A.	Rupees hundred
176	..	Allowing doors, ground-floor windows, etc., to open out wards without licence or contrary to notice.	Twenty rupees.
177	..	Failure to remove permanent encroachment.	Two hundred rupees.
178	..	Failure to remove temporary encroachment.	Fifty rupees.
180	..	Unlawful removal of bar, or shoring timber, etc., or removal or extinction of light.	Twenty rupees.

Ordinary Penalties—(*contd.*)

Section or rule	Sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3	4
181	..	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
182	..	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Do.
..	..	Failure to fence, etc., such building while under repair or failure to remove obstruction.	Do.
183	..	Failure to remove obstruction caused in street by fall of trees etc , within 12 hours of fall.	Do.
184	(3)	Unlawful destruction, etc, of name of street.	Twenty rupees.
185	(2)	Unlawful destruction, etc., of number of building.	Five rupees.
185	(3)	Failure to replace number when required to do so.	Twenty rupees.
188	(5)	Constructing or reconstructing building contrary to declaration issued by council.	Two hundred rupees.
189	(1)	Failure to obey requisition to round or splay off buildings at corners of streets.	One hundred rupees.
190	...	Construction of external roofs, etc., with inflammable materials.	Fifty rupees.
191	..	Construction of door or window, etc., to open outwards on public street.	Twenty rupees,
209	..	Failure to keep external walls of premises in proper repair.	Do.
213	(1)	Failure to obey requisstion to take down, repair or secure dangerous structure.	Five hundred rupees.
214	(1)	Failure to obey requisition to secure, lop, or cut down dangerous trees.	Fifty rupees.
215	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passers by or persons living in neighbourhood.	Do.
216	..	Failure to obey requisition to stop dangerous quarrying.	One hundred rupees.
217	..	Failure to obey notice regarding precautions against fire.	Do.
218	(1)	Constructing well, etc., without permission.	Fifty rupees.
...	(3)	Failure to obey notice to fill up or demolish well, etc.,	Do.
219	..	Failure to obey requisition to fill up, etc , tank or well, or drain off water, etc.,	Do.
220	..	Cultivating contrary to prohibition or regulations.	Five hundred rupees.
221	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.

ORDINARY PENALTIES—(*contd.*)

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3	4
223	..	Obstructing a person in the use and enjoyment of a well, tank or reservoir referred to in Section 227-A.	Rs. 100.
224	..	Unlawful washing and fishing in river, etc., after prohibition or contrary to regulations.	Fifty rupees.
226	..	Washing of clothes by washermen at unauthorized places.	Twenty rupees.
227	..	Defiling water of tanks, etc.	Fifty rupees.
228	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	
229	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegitation.	Do.
230	..	Failure to obey requisition to fence building or land or trim, prune or cut hedges and trees or lower an enclosing wall.	Do.
231	..	Failure to obey requisition to limewash or otherwise cleanse building.	Do.
232	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of building and fifty rupees in the case of hut.
233	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
	(4)	Failure to obey requisition to demolish the same.	Do.
234	(1)	Allowing overcrowding in building after order to abate the same.	Ten rupees for each day.
	(4)	Failure to obey requisition to vacate overcrowded building or room.	Do.
235	..	Feeding animals on filth.	Fifty rupees.
236	..	Unlawful keeping of animal so as to be a nuisance or dangerous.	Ten rupees.
241	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Fifty rupees.
242	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation	Do.
243	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by chairman.	Two hundred rupees.
244	(1)	Using a place for any of the purposes specified in Schedule V without licence or contrary to licence.	One hundred rupees
245	..	Unlawful erection of factory, workshop, etc.	One thousand rupees.

Ordinary Penalties (*contd.*)

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3	4
246	..	Disobedience of order regarding abatement of nuisance.	One hundred rupees
250	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
252	.	Slaughter of animals for sale or food or skinning or cutting up carcases or drying skin so as to cause a nuisance.	Twenty rupees for every animal, carcass or skin.
253	..	Carrying on milk trade without licence or contrary to licence.	Fifty rupees.
254	..	Obstructing a person in the use of a market referred to in Section 259.	Rs. hundred.
256	..	Sale or exposure for sale in public market of animal or article without licence or contrary to licence.	Twenty rupees.
257	..	Opening or keeping open private market without licence or contrary to licence.	Five hundred rupees.
259	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
260	(2)	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them, etc.	Fifty rupees.
261	(2)	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Twenty rupees for each day.
262	..	Nuisances in private markets.	Twenty rupees.
266	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
267	..	Sale or exposure for sale of animal or article in public street.	Ten rupees.
270	..	Using a public place or the sides of a public street or public landing place, etc.	Two hundred rupees.
272	..	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Two hundred rupees.
275	..	Preventing the chairman or any person authorized by him from exercising his powers of entry, etc., under this section.	Fifty rupees.
277	..	Removing or in any way interfering with an animal or article secured under Section 274	Five hundred rupees.
281	(1)	Opening, etc., without licence a new place for the disposal of the dead	One hundred rupees.
283	(3)	Use or allowance of use of burial or burning ground which has not been registered, licensed or provided.	One hundred rupees.
284	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.

ORDINARY PENALTIES—(*contd.*)

Section or rule.	Sub-section or clause.	Subject.	Fine which may be imposed.
1	2	3	4
285	(3)	Burial or burning in a place after prohibition.	One hundred rupees.
286	..	Offences in respect of corpses.	Fifty rupees.
287	..	Discharge of office of grave-digger or attendant at place for disposal of dead without licence.	Five rupees.
290	..	Failure of medical practitioner or owner to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
292	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Do.
293	(3)	Washing of infected articles at unauthorized places.	Do.
294	..	Giving, lending, etc., of infected articles.	Do.
295	..	Using water after prohibition.	Do.
297	..	Infected person carrying on occupation.	Do.
298	(1)	Travelling of infected persons in public conveyance without taking proper precautions against spread of disease.	Do.
	(2)	Entry of infected person into public conveyance without notifying fact of infection.	Do.
	(3)	Carrying infected person in public conveyance.	Do.
299	..	Letting or sub-letting of infected building without previous disinfection, etc.	Two hundred rupees.
300	..	Failure to close place of public entertainment,	Do.
301	..	Sending infected child to school	Fifty rupees.
303	..	Failure to give information of small-pox.	Do.
304	..	Person entering municipality within forty days of inoculation for small-pox without certificate.	One hundred rupees.
324	(8)	Failure to produce license on request.	Five rupees.
328	..	Failure to obey summons	Fifty rupees.
336	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of act	Fifty rupees for each day.
364	..	Obstructing or molesting municipal council, etc.	Fifty rupees.
365	..	Removing mark set up for indicating level, etc	Do.
366	..	Removal, etc., of notice exhibited by or under orders of the council.	Do.
367	..	Unlawful removal of earth, sand or other material from land vested in the council or deposit of matter or encroachment in or on river, estuary, etc.	Twenty rupees.
Rule 59 of Schedule II.	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Fifty rupees.

SCHEDULE VI.

PENALTIES FOR CONTINUING BREACHES.
(See section 316)

Section or rule.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
1	2	3	4
125	..	Failure to maintain house-connexions in conformity with by laws and regulations.	Five rupees.
126	(2)	Failure to obey requisition to make house-connexion.	Do.
133	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Ten rupees.
134	(2) & (3)	Failure to obey requisition as to house-drainage.	Do.
139	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do.
141	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Do.
142	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.
143	..	Failure to obey requisition to provide latrines for market, cattle stand or cart-stand or to keep them clean and in proper order.	Twenty rupees.
160	..	Building within regular lines of street	One hundred rupees
168	(1)	Using a motor vehicle for hire or a motor lorry without licence or contrary to licence.	Fifty rupees.
177	..	Failure to remove permanent encroachment.	Ten rupees.
178	...	Failure to remove temporary encroachment.	Five rupees.
181	...	Unlawful making of hole or placing of obstruction in street.	Ten rupees.
182	...	Construction, etc., of building without licence where street or footway is likely to be obstructed.	Do.
189	(1)	Failure to obey requisition to round or splay off buildings at corners of streets.	Fifty rupees.
190	...	Construction of external roofs, etc., with inflammable materials.	Ten rupees.
209	...	Failure to keep external walls of premises in proper repair.	Do.
215	...	Failure to obey requisition to repair, etc., tank or other place dangerous to passers-by or persons living in neighbourhood.	Do.
216	...	Failure to obey requisition to stop dangerous quarrying.	Do.
217	...	Failure to obey notice regarding precautions against fire.	Do.

PENALTIES FOR CONTINUING BREACHES—(*contd*)

Section or rule.	Sub-section or clause	Subject	Fine which may be imposed.
1	2	3	4
219	...	Failure to obey requisition to fill up, etc., tank or well or drain off water, etc.	Do.
221	...	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking.	Do.
228	...	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Do.
229	...	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
230	...	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and tree or lower an enclosing wall.	Do.
231	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
232	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	Ten rupees in the case of building and five rupees in the case of hut.
236	..	Unlawful keeping of animal so as to be a nuisance or dangerous.	Five rupees.
241	..	Use of place as stable, cattle-stand, etc., without licence or contrary to licence.	Ten rupees.
242	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act., or subsidiary legislation.	Do.
243	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by chairman.	Fifty rupees.
244	(1)	Using a place for any of the purposes specified in schedule V without licence or contrary to licence.	Twenty rupees.
245	...	Unlawful erection of factory, workshop, etc.	One hundred rupees.
246	..	Disobedience of order regarding abatement of nuisance.	Do.
250	..	Use of place as slaughter-house without licence or contrary to licence	Fifty rupees.
253	..	Carrying on milk trade without licence or contrary to licence.	Five rupees.
257	..	Opening or keeping open private market without licence or contrary to licence.	One hundred rupees.
259	..	Sale or exposure for sale of animal or article in unlicenced private market.	Twenty rupees.
266	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	Ten rupees.

PENALTIES FOR CONTINUING BREACHES—(*concluded*)

Section or rule.	Sub-section or clause.	Subject	Fine which may be imposed.
1	2	3	4
270	..	Using a public place or the sides of a public street as a public landing place, etc.	Twenty rupees.
272	..	Opening or keeping open a new private cart-stand without licence or contrary to licence.	Do.
281	..	Using without licence a place for the disposal of the dead.	One hundred rupees.
292	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Ten rupees.
300	..	Failure to close place of public entertainment.	One hundred. rupees.
Rule 59 of Schedule II	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Twenty-five rupees.

STATEMENT OF OBJECTS AND REASONS.

The enactment that now governs all the Municipaliies, including that at the capital, is Regulation V of 1095. It has been found that the provisions of this Regulation are not, in many respects, suitable enough to meet the increasing needs of these Municipalities or to stimulate efficient progress in municipal administration in the State. It has been felt that the Trivandrum City Municipality should be governed by a law for itself and that the other municipalities must have a separate Regulation. In the Madras Presidency the Madras City is governed by one Act and the District Municipalities by another. Representations have been made to Government that a Regulation on the lines of the Madras Act governing Madras City may be passed for Trivandrum City and another, on the lines of the Madras District Municipalities Act, may be passed for the District Municipalities in Travancore. A Bill has accordingly been framed for the Trivandrum City and has been published in the Gazette. The Bill that is now proposed is to govern the District Municipalities in Travancore, and it is drawn generally on the lines of the Madras District Municipalities Act, 1920. The more important of the new features proposed by this Bill are detailed below:—

1. The minimum strength of the Municipal Councils will be increased and the proportion of the nominated to elected Councillors reduced. At present the strength of a Municipal Council ranges from nine to twenty-four Councillors, of whom one-half may be nominated by Government with an official element going up to one-fourth of the whole number of Councillors including the President. It is proposed to increase the minimum strength of the Council by raising it to twelve Councillors and leaving the maximum at twenty-four, and it is also provided that the number of elected Councillors shall never be less than three-fourths of the sanctioned strength of the Council. Power is also reserved to Government to raise the proportion of the elected element (See Clauses 6 and 7).

2. The sex disqualifications will be removed, and both men and women will be generally eligible to be members of the Municipal Council (See Clause 47).

3. Power is reserved to Government, as before, to nominate a Chairman or to direct the Council to elect its own Chairman (See clause 10). Provision is however added for the removal of a Chairman or Vice-Chairman on the passing of a non-confidence motion (See Clause 39).

4. The Municipal authorities charged with carrying out the functions of the Municipality are, as before, the Council and its Chairman (See Clause 6 (2)). Committees of Municipal Councils are however allowed to be set up for the purpose of exercising such powers, discharging such duties or performing such functions as the Council may delegate to them. (See Clause 22).

5. Provision is also made for constituting joint Committees of Municipal Councils and other local authorities for any purpose in which they are jointly interested or responsible (See Clause 25).

6. As regards taxation, two new clauses of tax are proposed as part of the property tax, one a lighting tax and the other a general tax (See Clause 73).

7. Government buildings which are now free of tax will be brought to assessment here-after, and the annual value in the case of Govenment buildings will be calculated at a percentage of its actual value and not with reference to its possible rental (See Clause 74)

8. Provision has been made for the appointment of auditors of the account of the receipts and expenditure of municipal fund (See Clause 114). Provision is also made for enabling audit and the remuneration of auditors. (See Rule 58 to 65 of Schedule II).

Annexure I.

REPORT OF THE SELECT COMMITTEE ON THE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

To

The President,

Sri Mulam Assembly.

Sir,

We, the undersigned members of the Select Committee to which the Hindu Law of Inheritance (Amendment) Bill was committed for consideration, have considered the Bill, and beg now to submit this our Report:—

(i) In Clause 1 sub-clauss (ii) line 3, for the words "law of Mitakshara" substitute "Mitakshara Law".

(2) In Clause 3 sub-clause (*a*), for the words "special family or local" substitute the words "statute or".

(3) In Clause 3 sub-clause (*b*) line 3, omit the words "school or".

We are of opinion that the Bill has not received such alterations as will require republication.

The Bill was published in the Gazette dated the 21st August 1934.

(Sd.) T. K. Velu Pillai (Chairman).
,, Kayalam Paramesvaran Pillai
,, A. Thanu Pillai
,, K. Kunjukrishna Pillai
,, P. Chidambaram Pillai
,, S. Thiraviam Nadar
,, K. A. Narayana Pillai
,, K. Sankaran
,, R. Sambasiva Aiyar
,, T. T. Kesava Sastri
,, S. Paramesvara Aiyar
,, P. K. Narayana Pillai, Subject the right of moving amendments, if a

Annexure II.

THE TRAVANCORE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

(Bill as revised by the Select Committee.)

Words in italics indicate the amendments suggested by the Select Committee.

A REGULATION TO ALTER THE ORDER IN WHICH CERTAIN HEIRS OF A HINDU MALE DYING INTESTATE ARE ENTITLED TO SUCCEED TO HIS ESTATE.

Whereas it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate; It is hereby enacted as follows:

Short title, extent and application.

1. (i) This Regulation may be called the Hindu Law of Inheritance (Amendment) Regulation, 11—

(ii) It extends to the whole of Travancore, but it applies only to persons who, but for the passing of this Regulation, would have been subject to the *Mitakshara Law* in respect of the provisions herein enacted; and it applies in respect only of the property of males not held in coparcenary and not disposed of by will.

Order of succession of certain heirs.

2. A son's daughter, daughter's daughter, sister and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother:

Provided that a sister's son shall not include a son adopted after the sister's death.

Savings.

3. Nothing in this Regulation shall—

(*a*) affect any *statute or* custom having the force of law, or

(*b*) vest in a son's daughter, daughters's daughter, or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the Mitakshara Law by which the male was governed, or

(*c*) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

Annexure III.

THE TRAVANCORE HINDU LAW OF INHERITANCE (AMENDMENT) BILL.

(As passed by the Sri Mulam Assembly.)

A REGULATION TO ALTER THE ORDER IN WHICH CERTAIN HEIRS OF A HINDU MALE DYING INTESTATE ARE ENTITLED TO SUCCEED TO HIS ESTATE.

Whereas it is expedient to alter the order in which certain heirs of a Hindu male dying intestate are entitled to succeed to his estate; It is hereby enacted as follows:—

Short title, extent and application.

1. (i) This Regulation may be called the Hindu Law of Inheritance (Amendment) Regulation, 1110.

(ii) It extends to the whole of Travancore, but it applies only to persons who, but for the passing of this Regulation, would have been subject to the Mitakshara Law in respect of the provisions herein enacted and it applies in respect only of the property of males not held in coparcenary and not disposed of by will.

Order of succession of certain heirs.

2. A son's daughter, daughter's daughter, sister and sister's son shall, in the order so specified, be entitled to rank in the order of succession next after a father's father and before a father's brother:

Provided that a sister's son shall not include a son adopted after the sister's death.

Savings.

3. Nothing in this Regulation shall—

(a) affect any statute or custom having the force of law, or

(b) vest in a son's daughter, daughter's daughter, or sister an estate larger than, or different in kind from, that possessed by a female in property inherited by her from a male according to the Mitakshara Law by which the male was governed, or

(c) enable more than one person to succeed by inheritance to the estate of a deceased Hindu male which by a customary or other rule of succession descends to a single heir.

Annexure IV.

A BILL TO AMEND THE TRAVANCORE PROVIDENT INSURANCE SOCIETIES REGULATION, III OF 1108.

Whereas it is expedient to amend the law relating to Provident Insurance Societies to the extent hereinafter indicated; It is hereby enacted as follows:—

(1) This Regulation may be called the Travancore Provident Insurance Societies Amendment Regulation.

(2) It shall come into force at once.

(3) In Section 4, Clause 1 of the Provident Insurance Societies Regulation (Regulation III of 1108) substitute the word "twenty-five" for "fifty" and "five" for "fifteen".

STATEMENT OF OBJECTS AND REASONS.

The Provident Insurance Societies Regulation, III of 1108 contains some new provisions not contained in any of the parallel legislative enactments elsewhere. The provision contained in Section 4 of the Regulation is one such. In actual experience this provision for deposit of 15 per cent of the gross income is unworkable Under the rules of the societies registered under the Regulation only an amount of 33 1/3 per cent, of the gross income is available for them after payment in settlement of claims. The 15 per cent. deposit has to be met out of this amount. The balance available for the running expenses of the company will be only 18 1/3 per cent. It is authoritatively declared both in England and in British India that the expense ratio of Provident Insurance Companies will be 34 per cent, and more of the gross income. By careful management it may be possible in Travancore to keep down the expense ratio to some extent, but it is impossible to keep it down to the present available margin of 18 1/3 per cent. Hence the reduction of the 15 per cent. deposit to 5 per cent. When reduction is made under this head it is but proper that a reduction of the total deposit must also be made. Hence these changes.

Annexure V.

THE VAKILS REGULATION AMENDMENT BILL.

Whereas it is expedient to amend "The Vakils Regulation—Regulation III of 1075" for the purpose of defining the qualifications, admission and certificate of proper persons to be Vakils of the High Court and Subordinate Courts; it is hereby enacted as follows:—

Short title and commencement.

I. (1) This Regulation may be called "The Vakils Amendment Regulation, II.............."

(2) It shall come into force at once.

Omission of Section 4.

II. Omit the whole of Section 4, that deals with the "Power of High Court to make rules as to qualifications etc., of Vakils," under Chapter II.

Addition of a new Section as Section 4.

III. In Chapter II, under the heading "Of Vakils", add the following Section as Section 4 namely:—

Section 4. The High Court shall admit the following persons to be Vakils of the High Court and Subordinate Courts:—

Admission of Vakils.

1. *Enrolment of High Court Vakils.*

The following persons shall be admitted as Vakils of the High Court:—

Enrolment of High Court Vakils.

Any person, who is a Barrister-at-law, or a Member of the Faculty of Advocates of Scotland, or a Doctor, or a Master of Laws of any University in British India, or an enrolled Advocate, Vakils, or Attorney of a chartered British Indian High Court, or a Bachelor of Laws, or an L. L. B. of the Bombay University, or a First Grade Pleader of five years' standing in any one of the District Courts in Travancore.

Provided that Bachelors of Laws and LL. Bs. of the Bombay University other than those already enrolled as Vakils of any of the chartered British Indian High Courts, shall not be eligible for enrolment as Vakils of the High Court;

(*a*) Unless they have practised as First or Second Grade Pleaders in Travancore or British India, either before or after graduating in law for a period of three years; or

(*b*) Unless they have practised as First Grade Pleaders for a period of not less than one year previous to their application for enrolment and have produced a certificate from the Judges before whom they have practised as to their efficiency and character and have also passed, either the British Indian Pleadership Examination of the First Grade, or the local Examination prescribed for First Grade Pleaders, or the Apprentice Examination held by the High Court of Judicature, Madras, or a special examination to be held under the orders of the High Court in the following subjects, *viz*:—

	Maximum marks assigned.
The Code of Civil Procedure (Travancore)	60
The Code of Criminal Procedure (Travancore) and Medical Jurisprudence	90
The Stamp, Court fees, Suits Valuation and Limitation Regulation (Travancore)	30

To secure a pass in the said special examination, a candidate must obtain not less than one-third of the aggregate marks assigned to the three subjects together.

A fee of British Rupees five shall be charged on applications for admission to the special examination.

(c) In the case of High Courts in British India not established by Royal Charter, only those Advocates and Vakils of such courts, who have undergone one year's apprenticeship under an Advocate or a Vakil of a chartered High Court, or who have practised for one year in a Court in British India or in this State not lower in status than that of a District Court, shall be entitled to be enrolled as Vakil of the High Court.

Enrolment of Pleaders as Vakils in Sub-ordinate Courts.

2. *Enrolment of Pleaders as Vakils in Courts subordinate to the High Court.*

Enrolment of District Court Vakils.

(a) The following persons shall be admitted as Pleaders of the First Grade :—

(1) Any person possessing the qualifications prescribed for a Vakil of the High Court:

(2) Any person who shall have passed the B. L. Degree Examination of any of the British Indian Universities, or the L. L. B. Examination of the Bombay University;

(3) Any person who shall have passed the examination prescribed for Fi st Grade Pleaders in British India, or who has practised as a First Grade Pleader in the British Indian Courts and has not been debar ed and who produces a certificate of good character ;

(4) Any person who shall produce a cretificate of having passed the examination prescribed for First Grade Pleaders in Travancore ; and

(5) Any person who has passed the examination prescribed for Second Grade Pleaders in Travancore and who has practised for seven years as a Second Grade Pleader in the Munsiffs' Courts in the State.

Enrolment of Munsiffs' Courts Vakils.

(b) The following persons shall be admitted as Pleaders of the Second Grade .—

(1) Any person possessing the qualifications prescribed for a Vakil of the High Court ;

(2) Any person possessing the qualifications prescribed for a First Grade Pleader ;

(3) Any person who has passed the examination prescribed for Second Grade Pleaders in British India; and

(4) Any person who has passed the examination prescribed for Second Grade Pleaders in Travancore.

Omission of certain Sections, Sub-sections and words.

IV. In the Regulation, omit the following Sections and Sub-sections and words, namely:—

Omission of Section 5.

1. Omit the whole of Section 5, that deals with "Hight Court to admit Vakils".

Omission of certain words in Section 6.

2. Omit the words "under Section 5" that occur in Section 6, between the words, "as Vakil" and "a Sannad".

Omission of certain expressions in second para and also *Explanation* I under Section 6.

3. Omit the expressions "No person who is not admitted under Section 5 and who has not obtained the Sannad under this Section shall practise in the High Court or in any Subordinate Court, and," that occur in the second para under Section 6 and also the whole of "*Explanation* I" under section 6.

Addition of a new Section as Section 5.

V. In Chapter II under the title "Of Vakils", add the following as Section 5, namely:—

Application for enrolment where to be made and motion for enrolment how to be made.

Section 5. The application and motion for enrolment of the Vakils shall be made as stated below:—

Application and motion for enrolment of High Court Vakils.

1. (*a*) The application for enrolment as Vakils of the High Court shall be made to the High Court direct *in person* and shall be supported by the necessary cetificates.

(*b*) If the applicant has been in public service, he shall set forth in full the circumstances under which his connection with the service ceased.

(*c*) Motion for enrolment as Vakils of the High Court shall be made by a High Court Vakil of not less than five years' standing and who is already in practise, before a Bench of which the Chief Justice, or in his absence, the senior Puisne Judge present, is a member.

Application for enrolment as Vakils of the District and Munsiffs' Courts.

2. Application for enrolment as Vakils of the District or Munsiffs' Courts should, in the first instance be made to the Court in which the enrolment is sought, and such court shall forward the same for the orders of the High Court with its own remarks. District Munsiffs shall submit such communications through the District Judge to whom they are subordinate in view of his marking such observations as he may deem necessary.

3. No application from a person who was a Government servant, for enrolment as a Vakil of any Court shall be entertained unless he satisfies the High Court that he has either resigned his appointment or obtained leave from his superiors for the express purpose of practising as a Vakil. In all such applications for enrolment, it shall be stated whether or not the applicant holds, or has at any time held, any Government appointment. In the latter case, the circumstances under which the applicant severed his connection with the service should be stated and proved by authentic records. The character certificate produced by Government employees with their applications for enrolment should, as far as possible, be from their official superiors.

Application of persons who were Government servants for enrolment.

4. (a) The Vakils of the High Court shall be entitled to appear, plead and act in all the courts in Travancore, both Civil and Criminal.

The right to practise and the courts where to practise of the Vakils.

(b) Pleaders of the First Grade shall be entitled to appear, plead and act as Vakils in all the District Courts in Travancore and also in all the Civil and Criminal Courts subordinate to the District Courts.

(c) Pleaders of the Second Grade shall be entitled to appear plead and act as Vakils in all the Munsiffs' Courts in Travancore and also in any Court of Civil and Criminal jurisdiction in Travancore other than the Sessions Courts.

5. Every Vakil, previous to being allowed to practise shall make and subscribe before the Court to which he may be appointed, a solemn affirmation drawn up according to the annexed form.

Affirmation to be made by Vakil.

I, A. B., solemnly affirm that I will truly and faithfully execute the duties of Vakil of the..........of...........to the best of my knowledge and judgment.

Signature.

Solemnly affirmed before us (or me) in open Court this day of... .

STATEMENTS OF OBJECTS AND REASONS.

"The Vakils Regulation" as it exists today is not self-contained. It is too old and it is defective. It is not self-contained, and at the same time it is defective, for the reasons that no statutory provisions are made in it regarding the qualifications, admission and certificate of proper persons to be Vakils of the High Court and Subordinate Courts. The rights of admission and the privilege of appearance etc., of the Vakils are left undefined, unprovided and unprotected by the present Regulation. The Vakils at present are left entirely to the mercy of the Rule making powers of the High Court under Section 4 of the Regulation. This state of affairs to be left unremedied is insecure for the Vakils, and undignified and insulting for those who follow the noble profession of law. The status and stability, honour and dignity of the profession depends upon its existence under a statutory basis.

There is also no statutory provision for the existence of different Grades of Vakils in Travancore. The Vakils are admitted and their grades maintained as such, by the Rules framed by the High Court under the Rule making powers invested by Section 4 of the Regulation. The arrangement for creating various Grades of Vakils also ought to be specifically provided in the Regulation.

The arrangement of permanently maintaining various Grades of Vakils at present is unprogressive. Under the existing system, no sort of encouragement is given and promotion provided for the First and Second Grade Pleaders in Travancore. This system of compulsory and permanent stagnation in the case of a large section of Vakils, who practise in the various subordinate Courts in Travancore is most undesirable. There is no profession for which there is no promotion, There is no work for which there is no encouragement. There is no labour without reward. There is no merit without recognition. There is no talent without full scope for its exhibition. But there remains the profession of First and Second Grade Pleaders alone in Travancore without encouragement, without promotion, without full scope for its exhibition of talents without reward of recognition of experience, merit and service. The Pleaders in the State have turned out very good and meritorious services in the field of the profession of law. Some of the best and famous lawyers in Travancore were only Pleaders. Some of the Pleaders have made unique contribution to the glory of the profession. Even today there are very eminent lawyers amongst the Pleaders. Further, the Pleaders have got the additional advantages of having a special and systematic study of Travancore Laws. Travancore courts mainly deal with Travancore laws; and by study and experience the Pleaders are doubly entitled for promotion to practise in all the Law Courts in the State, With a view that absence of encouragement and promotion for service be redressed and the serions discontent that prevail amongst the Pleaders in the State, due to denial of recognition of their services in the Bar be removed, special additional provision is made in this Amendment Bill for the purpose. Men of experience, vision, ideas, imagination, sympathy and patriotism are sure to appreciate this. Moreover the need for granting of District Court Sannad for Second Grade Pleaders of some years standing has been a question that agitated the public mind in recent times. This would be evident from the repeated representation made and memorial submitted by the Members of the Sri Mulam Popular Assembly, as well as the various resolutions sent to the old Legislative Council and the present Assembly. Therefore, it is only inconsonence with the times and public opinion, that provision is made for the granting of District Court Sannad to Second Grade Pleaders of some years standing in the Munsiffs' Courts.

The provision of Rule making powers invested to the High Court under Section 4 of the Regulation for the purpose of satisfaction of Section 4 (*c*), *viz.*, for framing Rules to guide the professional conduct and prescribe punishments of members of the Bar is redundant and unnecessary in the presence of Sections 7, 8, 9 and 10 in the Vakils Regulation.

Therefore it is better, nay, it is absolutely necessary, that the Rule making power, with regard to the framing of Rules to provide for punishments in the case of professional misconduct on the part of the Vakils be taken away from Section 4 of the Regulation; and hence the Section 4 has to be completely omitted by this Amendment Bill.

Then with regard to Section 5 in the Regulation, which deals with "High Court to admit Vakils." Since provision is made for this purpose in this Amendment Bill, the retention of Section 5 in the Regulation is unnecessary. For "Admission of Vakils" and "Application for enrolement" etc., new provisions as Sections 4 and 5, are made in this Amendment Bill. These new provisions, are sought to be added in the Vakils Regulation, by taking away the existing Sections 4 and 5. The proposed Sections 4 and 5 are only the verbal rendering of the same provisions made by the High Court, under their Rule making powers, in the shape of Rules, in the Civil Courts Guide, with the little verbal alterations and additions. For the safety of the rights and privileges of the members. who pursue the profession of law in the State, it would be better that the above Rules are incorporated in the Regulation and they are given statutory recognition.

In view of the achievement of the above objects, the existing Sections 4 and 5 in the Vakils Regulation and certain portions in Section 6 of the Regulation are to be omitted and in their stead two new Sections 4 and 5 are sought to be introduced by this Amendment Bill.

In the right of enlightened public opinion, modern theory of legis, lation, encouragement to local talents and also in order to safeguard-protect and promote the interests of the Vakils practising in the State, as well as to enhance the privileges and rights of the Vakils, it is found by experience and common knowledge that the Vakils Regulation (Regulation III of 1075) ought to be amended; and this Bill has accordingly been framed.

SRI MULAM ASSEMBLY.

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